

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAMER HOSNY,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:13-CV-4103
)	
ALIAUNE THIAM, P/K/A "AKON," and)	
TARIK FREITEKH,)	
)	
Defendants.)	
_____)	

DEPOSITION OF AHMED BADAWY, a witness herein,
noticed by Jerisat Law Firm, taken at 6055 East
Washington Boulevard, Los Angeles, California, at
9:39 a.m., on Friday, May 22, 2015, before
Diane M. Lytle, CSR 8606.

Hutchings Number 571670

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I N D E X

WITNESS:	AHMED BADAWY
EXAMINATION:	PAGE
MR. JERISAT	4, 206
MS. EWING	200

E X H I B I T S

Exhibit identification within the transcript is flagged with "(EXHIBIT)" as an identifier.

DEFENSE	DESCRIPTION	IDENTIFIED	MARKED
1	Declaration of Ahmed Badawy Pursuant to 28 U.S.C. Paragraph 1746 (EXHIBIT 1)	9	226

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AHMED BADAWY,
a witness herein, having been sworn, testifies as
follows:

-EXAMINATION-

BY MR. JERISAT:

Q. All right.

Good morning.

09:39 A. Good morning.

Q. Have you had your deposition taken before?

A. No.

Q. All right.

Let's go through some basics so we're all on the
09:39 same page here.

You have been placed under oath --

A. Uh-huh.

Q. -- and this is the same -- has the same effect
and force as testifying under oath in a courtroom --

09:40 A. Absolutely.

Q. -- under the penalty of perjury.

A. Uh-huh.

Q. Everything you say here will be recorded and
taken down, so it's going to be part of a booklet. You
09:40 will be given a copy of that booklet. You will be given

1 09:40 a chance to make any comments or changes --

2 A. Sure.

3 Q. -- if necessary. We will be given the chance
4 to comment on your changes.

5 09:40 Because this is being taken down by this court
6 reporter, she would not be able to take any body
7 language, head shakes, nods, this is not going to be
8 part of the record. So please limit your answers to
9 verbal responses.

10 09:40 A. Sure.

11 Q. Okay.

12 We have to assume that if you answer a question
13 that you understand the question.

14 A. Absolutely.

15 09:41 Q. Because if you don't understand the question,
16 then tell us, we will rephrase the question. We will
17 ask the question in a different way --

18 A. Uh-huh.

19 Q. -- and so because we need to rely on the

20 09:41 transcript.

21 Is that fair?

22 A. Fair.

23 Q. Okay.

24 A. And may I ask a counter-question if I don't

25 09:41 understand to confirm my understanding?

1 09:41 Q. Yes, you may.

2 A. Okay.

3 Q. In this deposition or any deposition, we're
4 entitled to your best estimate.

5 09:41 A. Uh-huh.

6 Q. But please don't go out on a limb and start
7 guesstimating. That's not what we're here for. If you
8 don't know the exact answer, tell us you don't know.

9 A. Sure.

10 09:41 Q. Okay.

11 If you need to take a break at any time, go to the
12 bathroom or eat or drink, please let us know.

13 A. Will do that.

14 Q. All right.

15 09:41 A. Uh-huh.

16 Q. Okay.

17 Is there any reason why I cannot get your best
18 testimony today?

19 A. No.

20 09:42 Q. Are you on any medication?

21 A. No.

22 Q. Do you have any disability?

23 A. No.

24 Q. Okay. All right.

25 09:42 Let's talk about your background first.

1 09:42 A. Sure.

2 Q. Please tell us your name and spell your name
3 for the court reporter.

4 A. A-h-m-e-d, for the first name. Last name is

5 09:42 B-, as in boy, a-, as in apple, d-, as in David, a-, as
6 in apple, w-y, as in yellow.

7 Q. Okay.

8 What is your date of birth?

9 A. July 10, 1978.

10 09:42 Q. And where were you born?

11 A. In Egypt.

12 Q. When did you come to the United States?

13 A. Many times, starting 1999 to 2000.

14 Q. Okay.

15 09:42 When did you move to the United States?

16 A. 2004.

17 Q. Where are you living now?

18 A. In Houston, Texas.

19 Q. Can you give us your address?

20 09:43 A. 2323 McCue, M-c-C-u-e, Road, Apartment 2506,
21 Houston, Texas 77056.

22 Q. What do you do for work?

23 A. I'm a director of finance, and I'm a CPA in
24 three states.

25 09:43 Q. Do you have a business card?

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1 09:43 A. No.

2 Q. Okay.

3 Who do you work for?

4 A. I used to work for Cooper Industries, and now I

5 09:43 have my own company.

6 Q. What's the name of the company?

7 A. Global Accounting & Advisory Services.

8 Q. Global Accounting & Advisory Services?

9 A. Yes.

10 09:43 Q. Did you work for the plaintiff in this case,

11 Hosny, at any time?

12 A. Worked for him? I did work -- I assumed the
13 responsibilities of being his financial manager, and I'm
14 still his financial manager here in the U.S.

15 09:44 Q. Are you being paid for this job?

16 A. No.

17 Q. So who set you up?

18 Who made you the financing manager?

19 A. Tamer.

20 09:44 Q. And you're working for free for him?

21 A. Yes.

22 Q. Do you have any financial interest in this
23 lawsuit?

24 A. No.

25 09:44 Q. You submitted a declaration under oath in this

1 09:44 case.

2 A. Uh-huh.

3 Q. Okay.

4 You remember that?

5 09:44 A. I did, yeah.

6 Q. Okay.

7 Let me show you what has been marked as Exhibit --
8 should be marked Exhibit 1. (EXHIBIT 1)

9 We have Exhibits A to H. Should we mark this all

10 09:44 as Exhibit 1?

11 THE REPORTER: That's fine. It's up to you.

12 THE WITNESS: May I use that copy?

13 MR. JERISAT: Yes. That's your copy.

14 THE WITNESS: May I take notes here too?

15 09:45 MR. JERISAT: Yes.

16 THE WITNESS: I got it.

17 Is there also one thing I can add to your last
18 question is, I was the executive producer for that
19 particular song that's the subject of the lawsuit.

20 09:45 MR. JERISAT:

21 Q. Okay.

22 Feel free to add anything.

23 A. Absolutely, yeah.

24 Q. This declaration that you submitted, did you

25 09:45 sign that last page, which is page 10?

1 09:45 A. Yes.

2 Q. Is that your signature?

3 A. That's my signature.

4 Q. Okay.

5 09:45 Did you draft that declaration?

6 A. I did participate in drafting that declaration,
7 and I have looked at the final copy, and I have added
8 all the comments that I needed to go there.

9 Q. And so you approved this declaration?

10 09:46 A. Yes.

11 Q. Okay.

12 You had an opportunity to review --

13 A. Sure.

14 Q. -- those drafts before you filed it?

15 09:46 A. I did.

16 Q. Okay.

17 At any point, did you tell your lawyer or anyone
18 else that you needed to revise or amend anything here?

19 MS. EWING: I'm going to object to the extent

20 09:46 you're trying to get into attorney-client
21 communications.

22 MR. JERISAT: Right. I will rephrase.

23 Q. Did you tell anybody that you should revise or
24 amend any parts of this?

25 09:46 A. I think it's a matter of just the language, to

1 09:46 make the language clear. So sometimes when I say
2 something to put in legal language, I can actually look
3 at it, and I might think that this is not the -- what I
4 meant, and I just have to update it.

5 09:46 Q. Okay.

6 When you submitted this declaration under oath, you
7 understood that the Court and everyone else should rely
8 on this?

9 A. Absolutely.

10 09:47 Q. And you submitted this under penalty of
11 perjury?

12 A. Absolutely.

13 Q. Is there any false statement in this
14 declaration?

15 09:47 A. No.

16 Q. Okay.

17 Is there any statement here that you want it to be
18 corrected at any point?

19 A. No.

20 09:47 Q. Okay.

21 When you say that you were involved in -- the
22 personal involvement of the production of "Arabian
23 Knight" --

24 A. Uh-huh.

25 09:47 Q. -- tell me who came up with that name, "Arabian

1 09:47 Knight"?

2 A. Myself and Tamer.

3 Q. When was that?

4 A. That was in February. We started with couple
5 09:47 of names. The idea about the names was in February of
6 2013.

7 Q. Okay.

8 A. And then the finalization of the name happened
9 in April 2013. What we used to call that project first
10 09:47 was "the project."

11 Q. The project?

12 A. The project. So that was the original name.
13 We did not use a name up front for that project. And
14 then once we came to the final lyrics, that was put in,
15 09:48 and that happened sometime late April or May. This is
16 when we chose that name to sync with the lyrics.

17 Q. Okay.

18 Did you use any other names before?

19 A. No.

20 09:48 Q. Did you use the name "Too Many Lovers"?

21 A. No.

22 Q. Have you discussed this project with anyone
23 else, other than Tareq and Akon?

24 A. My girlfriend was there.

25 09:48 Q. Anyone else?

1 09:48 A. Outside of the production group?

2 Q. With anybody.

3 A. Yeah, of course. There's many people in the
4 production group. With Tareq. With Wael Elhalwany,

5 09:48 with the second producer. With a friend of ours in
6 Vegas when we met Wael for the first time.

7 Q. Okay.

8 A. That was in the meeting with Wael too.

9 Q. Okay.

10 09:49 A. I mean, there will be so many names -- so many
11 names that would be included unless you want me to list
12 them. I can try to remember one of them.

13 Q. Yeah, go ahead.

14 A. So that would be Tamer. That would be his
15 09:49 wife. That would be Tareq. That would be Tareq's
16 girlfriend. That would be Wael. That would be my
17 girlfriend. That would be Tamer's brother. That would
18 be his assistant.

19 Q. Okay.

20 09:49 A. That would be Tamer Yehia, who was with us in
21 the production in Atlanta.

22 Q. Okay.

23 A. And that would be a guy named Shems, who is
24 organizing the travel plans for us.

25 09:50 Q. Okay.

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1 09:50 A. And his assistant, Ahmal.

2 Q. Okay.

3 A. Bunch of other people. That was three years
4 ago. But there's tons of names.

5 09:50 Q. Okay.

6 But those are the key figures?

7 A. No, key figures are not those. Definitely the
8 discussion was in the limited group, if that was your
9 question.

10 09:50 Q. Who are the key figures?

11 A. That would be Tareq. That was initially Tamer
12 Yehia. Okay. That was in Georgia.

13 THE REPORTER: Can you spell that?

14 THE WITNESS: T-a-m-e-r, Yehia, Y-e-h-i-a. And his
15 09:50 last name is A-b-d, and then A-l-m-a-s-i-h.

16 So that would be more limited circle. So that
17 would be Tamer. That will be Tareq, Tamer Hosny, Tamer
18 Yehia.

19 MR. JERISAT: Do you know how to spell Hosny?

20 09:50 THE REPORTER: No, I don't.

21 THE WITNESS: H-o-s-n-y.

22 MR. JERISAT: The plaintiff.

23 THE REPORTER: Okay.

24 THE WITNESS: So Tamer Hosny; Tareq; Tamer's

25 09:51 brother Hossam, which is H-o-s-s-a-m, and his last name

1 09:51 is H-o-s-n-y.

2 And Wael, W a-e-l, and the last name Elhalwany,
3 E-l-h-a-l-w-a-n-y. And, of course, Akon.

4 MR. JERISAT:

5 09:51 Q. And have you had any agreements, either verbal
6 or in writing, with anyone about the production of this
7 video?

8 A. That somebody's going to produce it or that
9 we're going to have this project?

10 09:51 Q. Any written or verbal agreement --

11 A. Yes.

12 Q. -- about production and finance?

13 A. Yes.

14 We -- We have -- Initially, Tareq sent me a draft
15 09:52 version for the agreement. Initially, that project was
16 supposed to include Chris Brown, and we had a draft
17 agreement for that.

18 We -- I looked at it, and I change some of the
19 language, and I made it shorter. And we drafted a first
20 09:52 amendment for that agreement to include Chris Brown.

21 But then Akon told us that Chris Brown is not going to
22 be available, and he swapped it and -- with our
23 agreement to Pitbull. And this is when we drafted an
24 agreement with the money. And everything was included

25 09:52 in this, all the details. And I think that this

1 09:52 agreement was presented to -- through the documents in
2 that lawsuit.

3 Q. Okay.

4 Which is the -- We'll get to it.

5 09:52 A. Yeah.

6 Q. Okay.

7 A. And to answer your question, also, I drafted
8 this agreement.

9 Q. Okay.

10 09:52 A. I was the one that drafted all the terms in
11 this agreement.

12 Q. Okay.

13 You state in your affidavit that you had personal
14 involvement in the production of "Welcome to the Life."

15 09:53 A. Yeah.

16 Q. What is your involvement there?

17 A. I'm the executive producer. So starts from
18 arranging the money, drafting the agreements, looking at
19 the supporting documents, negotiating the pricing with

20 09:53 suppliers and arranging the logistics too.

21 Q. Okay.

22 Does your name appear anywhere in the credits?

23 A. Yeah, it shows special thanks --

24 Q. Okay.

25 09:53 A. -- at the end.

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1 09:53 Q. Are you shown as --

2 A. But the video has never been released, so
3 there's no credentials that were shown.

4 Q. Are you shown as what you say, a producer?

5 09:53 A. There was no credentials presented so far.

6 Q. Why not?

7 A. Because we haven't finished the project.

8 Q. The project "Welcome to the Life"; right?

9 A. Are we talking about "Welcome to the Life"?

10 09:53 Q. "Welcome to the Life."

11 A. I'm sorry. I want to put on the record, my
12 understanding was --

13 Q. "Welcome to the Life."

14 A. So that's a different story.

15 09:54 Q. Okay.

16 A. So there was --

17 Q. You said you are a producer?

18 A. No. For this one, I wasn't.

19 MS. EWING: I'm just going to make a clarification

20 09:54 that I think it might have been a mistake on your part,
21 but you had mentioned "Arabian Knight."

22 THE WITNESS: This is what you said.

23 MR. JERISAT: Sure. I'll clarify it.

24 Q. In your deposition -- your affidavit --

25 09:54 A. Before I -- Before we proceed, I want to put it

1 09:54 on the record, my understanding was you were talking
2 about "Arabian Knight." So I was clearly about "Arabian
3 Knight." "Welcome to the Life" is a different story.

4 **Q. In your affidavit, you state you have a**
5 09:54 **personal involvement in the production of "Welcome to**
6 **the Life."**

7 A. Correct.

8 **Q. What is your involvement?**

9 A. Arranging the money, transferring the money,
10 09:54 helping Tamer to understand the terms of the agreement,
11 and also making sure that there will be nothing wrong,
12 you know, with things.

13 So I was reviewing some of the invoices that Tareq
14 was presented, and I was transferring the money
15 09:55 accordingly. I was going through the items of the
16 invoices and making sure they're correct.

17 I also participated in the finalization of this
18 project, so I was present there when the filming took
19 place. And I was making sure that all the logistics
20 09:55 were right and no money was needed and all the transfers
21 were made.

22 **Q. Does your name appear anywhere in the**
23 **credits --**

24 A. Yes.

25 09:55 **Q. -- "Welcome to the Life"?**

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1 09:55 A. Yes.

2 Q. As what?

3 A. As special thanks.

4 Q. As --

5 09:55 A. Special thanks.

6 Q. As producer?

7 A. No.

8 Q. Why not?

9 A. Because I'm not the producer for this song.

10 09:55 Q. Are you the executive producer?

11 A. I'm not the executive producer for this song.

12 Q. For "Welcome to the Life"?

13 A. For "Welcome to the Life," no.

14 Q. Okay.

15 09:55 A. I have involvement in the production, that's
16 why I mentioned it here, but I'm not the executive
17 producer.

18 Q. Okay.

19 You mentioned that Tareq and Akon met in Atlanta --

20 09:55 A. Uh-huh.

21 Q. -- for the "Welcome to the Life."

22 A. Correct.

23 Q. Okay.

24 Tell me -- Tell me about what -- When did you come
25 09:56 to Atlanta in 2013?

1 09:56 A. 23rd of January.

2 Q. You came to Atlanta?

3 A. Physically, yes.

4 Q. Okay.

5 09:56 And how long did you stay?

6 A. Until the 26th.

7 Q. Of?

8 A. Of the same month.

9 Q. January?

10 09:56 A. January.

11 Q. So you stayed there for three days?

12 A. Correct.

13 Q. Okay.

14 And based on your stay, the three days you stayed,

15 09:56 you're making a -- in paragraph 4, you are saying that
16 Tareq and Akon, that they met in Georgia and worked on
17 the "Welcome to the Life"?

18 A. Correct.

19 Q. Okay.

20 09:56 During these three days, where did you stay?

21 A. I stayed in the Westin Hotel --

22 Q. Okay.

23 And --

24 A. -- with all the crew, the whole crew, including

25 09:56 Tareq was in the Westin.

1 09:57 Q. When did you meet Tareq?

2 A. I met Tareq in November -- November, December
3 2011 for the first time.

4 Q. Where?

5 09:57 A. In New York when he was filming the first song
6 for Tamer, "Smile with Shaggy."

7 Q. Okay.

8 A. And I met him again during in March 2012 when
9 we were filming in California, in Hollywood. We were
10 09:57 filming the second song with Snoop Dogg.

11 Q. Okay.

12 A. And I met him again in Atlanta when we were
13 filming that song. And then I met him again in
14 February, all the way through May, when we were
15 09:57 filming -- or when we were working on the project of
16 "Arabian Knight."

17 Q. Okay.

18 So in 2013, you came to Atlanta on January 23?

19 A. Yes.

20 09:57 Q. When did you meet Tareq?

21 A. 23rd, same night. Same night, in the Westin
22 Hotel.

23 Q. Okay.

24 What did you discuss with Tareq?

25 09:58 A. That night?

1 09:58 Q. During your three-day presence.

2 A. I actually had the discussions with Tareq from
3 the time before through text messages, through phone
4 calls, and we were discussing, actually, transfers,
5 09:58 money that he wants.

6 And on that day, the 23rd, he requested to be paid.
7 And we made him a transfer of \$10,000 that day while he
8 was in Georgia, and that was a compensation for his work
9 in "Welcome to the Life."

10 09:58 Q. You have a copy of that?

11 A. Of which one?

12 Q. The transfer.

13 A. I do have it, yeah, in my bank. I don't have
14 it now on me, but I have it.

15 09:58 Q. Okay.

16 Do you have it?

17 A. Now, no. Now, no. But --

18 Q. Okay.

19 How was that transfer done?

20 09:58 A. It was made, actually, from my bank account.
21 He requested that money from me through a text message
22 before I leave.

23 Q. Do you have your phone?

24 A. I do have my phone.

25 09:58 Q. To show the text message?

1 09:59 THE WITNESS: Should I?

2 MS. EWING: If you do, do you have it easily? I
3 mean, can you --

4 THE WITNESS: I mean, I have to go -- we're going
5 09:59 to spend some time until I go back to 2013.

6 MR. JERISAT: Oh, okay.

7 THE WITNESS: But that's fine, I don't mind.

8 MR. JERISAT: We'll do that at the end.

9 THE WITNESS: Sure, but I do have it.

10 09:59 MS. EWING: I would suggest we do that at a break.

11 THE WITNESS: So I'm sorry, back to your question,
12 because I guess you cut me off during this period.

13 What was the question, again?

14 MR. JERISAT:

15 09:59 **Q. Give me a second.**

16 A. Okay.

17 I think you were asking what did we discuss.

18 **Q. Right.**

19 **So --**

20 09:59 A. Shall I proceed?

21 **Q. -- in January --**

22 A. But I haven't finished yet.

23 **Q. On January 23rd, you had discussion with**

24 **Tareq --**

25 09:59 A. Yes.

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1 09:59 Q. -- up until January 26?

2 A. No, no. We had discussions since December.

3 Q. Right.

4 But let's just focus on the 23rd to the 26th --

5 10:00 A. Correct.

6 Q. -- when you were in Atlanta.

7 A. Yes.

8 Q. What did you discuss with Tareq?

9 A. We discussed, actually, the -- I came, there
10 10:00 was discussions from before about the new project, which
11 we named later "Arabian Knight." And we sealed the deal
12 that night, January 23rd, in the Westin Hotel in
13 Atlanta. This was when Tareq confirmed Akon is doing
14 the project, and he agreed to bring Chris Brown, and we
15 10:00 agreed with the overall project cost of \$400,000.

16 Q. On the 23rd?

17 A. On the 23rd.

18 And that night we discussed -- because I'm involved
19 with Tamer finances, and I brought the point that --

20 10:00 Q. You discussed what you said, you discussed,
21 "Arabian Knight"?

22 A. "Arabian Knight." It wasn't called "Arabian
23 Knight" at that point.

24 Q. What was it called?

25 10:00 A. There was no name. It was that project. As I

1 10:00 mentioned before, it was the project that was between
2 Tamer, Akon, and Chris Brown. It was a trio between the
3 three of them. Okay.

4 So we agreed about the terms. Okay. On that
5 10:01 agreement, specifically the money. And I came in --

6 **Q. You say "we," who are "we"?**

7 A. Myself, Tamer, and Tamer Yehia, and Tareq.

8 **Q. Where?**

9 A. In the Westin Hotel.

10 10:01 So the agreement, actually, Tareq came back with
11 approval from Akon because Tareq was acting as an agent
12 for Akon. So he came back --

13 **Q. He was acting as an agent. How was he acting**
14 **as an agent?**

15 10:01 A. Because he was the middleman for all the
16 agreements between Tamer and Akon, and he was --

17 **Q. Did Akon say, "Tareq is my agent"?**

18 A. No. Akon appeared in his actions that Tareq is
19 his agent. But he did not tell me specifically that he

20 10:01 was his agent. I'm not sure if he told anybody else if
21 he was his agent, but he appeared to me all the time as
22 his agent.

23 **Q. You thought he was an agent?**

24 A. It appears to me. I did not think. It appears

25 10:01 to me from all the actions, because I studied business

1 10:01 law, that he's an agent to Akon.

2 **Q. But you're saying he was also an intermediary?**

3 A. Intermediary means sometimes he translates
4 things between them. But at the same time, he comes
5 10:02 back with an approval. He sometimes pushes back on
6 Tamer. That happened in front of me, pushes back on
7 Tamer on certain terms that he says, "I don't think that
8 Akon is going to approve this," and "Let me go back to
9 Akon and get his approval for this."

10 10:02 And he said that because of his long-term
11 relationship with Akon, business relationship, and
12 specifically he mentioned that he did three commercials
13 with him before, this is how he told us that he would be
14 able to convince him to do things.

15 10:02 **Q. Right.**

16 **But you as a businessman --**

17 A. Yeah.

18 **Q. -- needed some -- surely needed some formal**
19 **document that said Tareq was his agent; right?**

20 10:02 A. At that point, there was no requirement for
21 that because Akon was actually present there. So Akon
22 was involved in a lot of -- in everything that Tareq
23 promised on behalf of Akon, happened --

24 **Q. Okay.**

25 10:03 A. -- so far in Atlanta.

1 10:03 Q. Okay.

2 But as far as agent, are you aware that the
3 plaintiff in this case is not claiming that Tareq is an
4 agent of Akon?

5 10:03 MS. EWING: Object to form. This is characterizing
6 legal --

7 MR. JERISAT:

8 Q. Are you aware of that?

9 MS. EWING: -- legal issues.

10 10:03 MR. JERISAT:

11 Q. Go ahead and answer.

12 MS. EWING: You can answer to the best you can.

13 MR. JERISAT:

14 Q. Are you aware of that?

15 10:03 A. Of what? I'm sorry.

16 Q. That the plaintiff in this case is not claiming
17 that Tareq is an agent of Akon.

18 MS. EWING: Same objection.

19 MR. JERISAT:

20 10:03 Q. Go ahead.

21 A. I haven't -- I have to go back and read the
22 lawsuit.

23 Q. You have not read the lawsuit?

24 A. No, I read it, but I don't remember that part

25 10:03 specifically. Specifically that part, I don't remember.

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1 10:03 Q. Okay.

2 Have you seen the plaintiff's response to discovery
3 in this case?

4 MS. EWING: I'm going to object to form.

5 10:03 THE WITNESS: I can't remember. I can't remember.
6 I'm just trying to because I'm under oath now. I think
7 I did see the response.

8 MR. JERISAT:

9 Q. Okay.

10 10:04 And did you see in the response that the plaintiff
11 is not claiming that Tareq is an agent?

12 MS. EWING: Object to form, mischaracterization.

13 MR. JERISAT: Go ahead.

14 THE WITNESS: Yeah, I did, but I can't remember
15 10:04 because that was last year. I didn't review that
16 response now before I come.

17 MR. JERISAT:

18 Q. And you disagree with that?

19 A. Disagree with what?

20 10:04 MS. EWING: Object to form because this is a total
21 mischaracterization.

22 MR. JERISAT: Right, I understand.

23 THE WITNESS: Yeah.

24 MR. JERISAT:

25 10:04 Q. But you disagree -- Assuming that the plaintiff

1 10:04 is stating that Akon -- Tareq is not an agent of Akon,
2 do you disagree with that?

3 MS. EWING: I'll object to this whole line of
4 questioning.

5 10:04 THE WITNESS: I might think that he -- he did not
6 see why it should be there. I think so. That's what
7 I'm thinking, that the plaintiff, maybe he did not
8 understand that this is relevant to their responses
9 specifically. That's probably the case.

10 10:04 MR. JERISAT:

11 Q. My question is specific.

12 Do you disagree with the plaintiff's statement or
13 characterization that Tareq is not and was not an agent
14 of Akon?

15 10:05 MS. EWING: I'm objecting because this is not a
16 statement that's been made.

17 And I'm going to tell the witness that you need to
18 listen to what he's asking because I'm objecting to the
19 fact that he's trying to characterize legal statements

20 10:05 and asking you to explain those.

21 THE WITNESS: Right.

22 I don't know -- I don't know if I can agree or
23 disagree. Quite honestly, I can't. I can't. I can
24 make a claim now that I disagree with Tamer's because I

25 10:05 don't know what he was thinking at that time.

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1 10:05 MR. JERISAT: Okay.

2 THE WITNESS: But in my mind, he appears as an
3 agent.

4 MR. JERISAT:

5 10:05 Q. Okay.

6 Did you tell anybody that he is an agent?

7 A. I did not.

8 Q. Well, this is your first time making the
9 statement?

10 10:05 A. That he's an agent? No, I made the statement
11 to Tamer, that he appeared as an agent.

12 Q. Okay.

13 A. I did not say he's an agent. I said many times
14 that he appears as an agent.

15 10:05 Q. How long has this lawsuit been pending?

16 A. This lawsuit, since 2013.

17 Q. Okay.

18 Did you tell anyone that Tareq was an agent of
19 Akon?

20 10:06 MS. EWING: Object to form to the extent he's
21 asking the witness to make legal conclusions.

22 THE WITNESS: Yeah, I don't remember that.

23 THE REPORTER: One at a time.

24 MR. JERISAT:

25 10:06 Q. Okay.

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1 10:06 You don't remember what exactly that you talked --
2 saying -- stating that he was an agent to anybody?

3 A. Yes, I don't remember that.

4 Q. Does that mean you may have stated that, but
5 10:06 you don't remember or that you have never, never, ever
6 made that statement?

7 A. I cannot say I have never because this has been
8 three years. So I don't remember that.

9 Q. Okay.

10 10:06 So what you're telling me is you might have stated
11 that, but you don't know when and where?

12 THE REPORTER: One at a time.

13 MS. EWING: Object. I'm going to object to the
14 extent that opposing counsel was trying to characterize
15 10:07 the witness' testimony.

16 THE WITNESS: Sure.

17 MR. JERISAT: Go ahead. Answer, please.

18 THE WITNESS: I don't remember.

19 MR. JERISAT:

20 10:07 Q. But you have read the discovery responses by
21 the plaintiff in this case?

22 MS. EWING: I'm going to object --

23 THE WITNESS: I looked at it.

24 MS. EWING: -- as vague.

25 10:07 THE WITNESS: I looked at it.

1 10:07 MS. EWING: I'm going to object to form because the
2 witness doesn't understand what you're even talking
3 about when you say "discovery responses."

4 MR. JERISAT: Right.

5 10:07 THE WITNESS: I think so.

6 MR. JERISAT:

7 Q. So I think for the purpose of this deposition,
8 when your counsel objects or anybody objects, let her
9 finish --

10 10:07 A. Okay.

11 Q. -- and then you can answer --

12 A. Sure.

13 Q. -- because she can only take down one person at
14 a time.

15 10:07 A. Sure.

16 Q. Go ahead and answer.

17 A. Okay.

18 Your question, again?

19 MR. JERISAT: Can you please repeat the question?

20 10:08 (The record is read by the reporter.)

21 THE WITNESS: I looked at it.

22 MS. EWING: And I'm just going to object because
23 this is vague. We don't know what you're talking about
24 by discovery responses. The witness here, how did he --

25 10:08 he doesn't understand what that means, and we're here to

1 10:08 talk about jurisdictional discovery issues.

2 MR. JERISAT: All right. Fair enough.

3 Q. In your deposition, you state that Tareq, Akon,
4 and Hosny somehow met at a Thai restaurant --

5 10:08 A. Correct.

6 Q. -- and they have discussed "Welcome to the
7 Life"?

8 A. Correct.

9 Q. Why would they be discussing another project
10 10:09 while this second project while they're just working on
11 "Welcome to the Life"?

12 A. Because Tamer was working on a new album called
13 "One World," and that was a corroboration with him and
14 other artists as well.

15 10:09 Originally, Tamer was asking if Akon can get
16 Chris Brown on the next video that he wants to do --

17 Q. Right.

18 A. -- because Akon's brother, Abu -- and his last
19 name Thiam, I think --

20 10:09 Q. Yes, Thiam.

21 A. -- and he is the manager of Chris Brown. And
22 Akon at that time, he claimed that he is the
23 representative or the agent of Chris Brown, and he will
24 be able to get him to the second video.

25 10:09 So they were discussing that new project since the

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1 10:09 first project was going smoothly and it was going as
2 scheduled. So Tamer was asking if Akon can help in
3 bringing Chris Brown, and then the discussion matured to
4 be that Akon has to participate in that video, so it's
5 10:10 going to be a trio, not a duo.

6 Q. Okay.

7 A. And that's when they started the initial stages
8 in the discussions in that -- in that restaurant.

9 Q. When did these discussions begin in that Thai
10 10:10 restaurant?

11 A. I wasn't present there --

12 Q. Okay.

13 A. -- but Tamer filled me with all what happened.

14 Q. Approximately when did they begin?

15 10:10 A. They went to Akon's house first. And that was,
16 I think, in the evening. Approximately -- Exactly same
17 time, I don't know.

18 Q. Okay.

19 Any idea approximately when? Did they happen in
20 10:10 January, in February?

21 A. At the Thai restaurant?

22 Q. Those discussions about "Arabian Knight,"
23 "Welcome to the Life."

24 A. January 21st, January 22nd, 23rd, we confirmed
25 10:10 the deal. There was a lot more.

1 10:10 Q. When you say "we," who's "we"?

2 A. Myself, Tamer Yehia, and Tareq. This is --

3 Q. What deal are you --

4 A. -- 23rd.

5 10:11 Q. You confirmed what?

6 A. He confirmed that Akon accepted that the
7 project is going to be for that much on that date --

8 Q. The project is --

9 A. -- is -- which is later on "Arabian Knight."

10 10:11 Q. Okay.

11 A. Okay.

12 That it will be for that much money, and he will be
13 able to secure Chris Brown. And it was -- And we have
14 to transfer the money, which is 50 percent of what we
15 10:11 promised him, before mid February.

16 Q. Okay.

17 A. And that was at the night -- on the night of
18 the 23rd of January while I was in the Westin Hotel in
19 Atlanta.

20 10:11 Q. Uh-huh. Okay.

21 You testified in your affidavit, which you've told
22 us this affidavit is true --

23 A. Sure.

24 Q. -- okay, that on January 22, there was some
25 10:12 discussions between --

1 10:12 A. Which paragraph are you referring to?

2 Q. Why don't you read paragraph 6.

3 A. 6. Give me just a minute.

4 Q. Yeah.

5 10:12 A. Okay.

6 Q. All right.

7 You state in your affidavit that on January 22, at
8 the Thai restaurant, they had some discussion?

9 A. Correct.

10 10:13 Q. Did you see those discussions?

11 A. No.

12 Q. Why is that?

13 A. Because I wasn't physically present there.

14 Q. Okay.

15 10:13 Because you came to Atlanta when?

16 A. 23rd.

17 Q. Okay.

18 Did you explain in your affidavit that you were not
19 present at that moment?

20 10:13 A. No, I did not.

21 Q. Okay.

22 When anybody reads these -- this statement, you
23 think it would be fair for them to understand that you
24 were there, present?

25 10:13 A. No.

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1 10:13 Q. Okay.

2 MS. EWING: I'm going to object to form.

3 MR. JERISAT: Right.

4 Q. And so what you're telling me is that this
5 10:13 information -- this paragraph is based on what the
6 plaintiff told you?

7 A. No. It was part of that -- I witnessed that.
8 I was physically there, because I said here on
9 January 26 -- 22nd, at --

10 10:14 Q. Okay.

11 THE REPORTER: I'm sorry. "At" --

12 THE WITNESS: -- Tuk Tuk restaurant.

13 MR. JERISAT:

14 Q. Right.

15 10:14 A. And then after that, because I saw the pictures
16 that night. And then after that, I was physically
17 present --

18 Q. Right.

19 A. -- in --

20 10:14 Q. But on January 22, were you present in that
21 restaurant?

22 A. No.

23 Q. Okay.

24 Did you explain that in your affidavit?

25 10:14 A. No.

1 10:14 Q. Okay.

2 How do you know what the conversation was about on
3 January 22?

4 A. Tamer filled me in with all what happened at
5 10:14 that day.

6 Q. The plaintiff told you?

7 A. The plaintiff told me.

8 Q. Okay.

9 A. Yes.

10 10:14 Q. And so this paragraph is on the basis of what
11 the plaintiff told you?

12 A. No. And I verified that in the next day when I
13 was physically in Atlanta.

14 Q. I understand that.

15 10:14 But with regard to the 22nd --

16 A. Uh-huh.

17 Q. -- conversation, this is on the basis of what
18 the plaintiff told you?

19 A. Correct.

20 10:14 Q. Okay.

21 Let's go to -- Let's go to paragraph 8.

22 A. Uh-huh.

23 Q. You state, "As requested by Tareq, the Side
24 Artists Agreement included a Georgia choice of law
25 10:15 provision."

1 10:15 A. Correct.

2 Q. "It was also drafted to include a provision
3 stating that the parties would go to court in Atlanta,
4 Georgia."

5 10:15 A. Correct.

6 Q. Who drafted this paragraph? Was it you?

7 A. It was Tareq.

8 Q. No. The paragraph 8.

9 A. Uh-huh.

10 10:15 Q. Did you draft that paragraph, or did someone
11 else help you draft it?

12 A. The lawyer helped me to draft that paragraph.

13 Q. Okay.

14 What is your contribution to paragraph 8? Which
15 10:15 part did you draft?

16 A. The whole thing, because I reviewed the whole
17 thing, and I made sure that --

18 Q. Right.

19 Which is your original draft in paragraph 8?

20 10:16 A. It's actually the -- the full thing. It got
21 amended by the lawyer, and then I approved the final
22 copy.

23 Q. Do you have copies of your drafts?

24 A. I don't because my computer got stolen in

25 10:16 Italy.

1 10:16 Q. Okay.

2 Is there anyone who has copies of your drafts?

3 A. I don't think so.

4 Q. How many times have you drafted this affidavit?

5 10:16 A. I would think -- I don't remember exactly.

6 Around one time. Just one time. There was one draft
7 and one final.

8 Q. That's it?

9 A. Yeah.

10 10:16 Q. When did you draft this affidavit -- this
11 agreement -- I'm sorry -- this affidavit?

12 A. Sometime in August 2014, if I'm not mistaken.
13 I can't remember the exact date, but I remember it was
14 in August.

15 10:16 Q. When you had the draft?

16 A. It was the same day, I think. Yeah, August.
17 In August. Sometime in August.

18 Q. You don't know what date, approximately?

19 A. I think it was the day before or the same day

20 10:17 we filed it.

21 Q. Okay.

22 A. I think, but I'm not sure.

23 Q. Okay.

24 MS. EWING: I just want to make a statement for the

25 10:17 record that this was something that was coordinated

1 10:17 between counsel and Mr. Badawy, that based on
2 conversations with him, he reviewed items. So I feel
3 like we're about to get into territory involving
4 discussions with attorneys.

5 10:17 MR. JERISAT: No, we're not going to.

6 MS. EWING: Okay.

7 THE WITNESS: Okay.

8 MR. JERISAT:

9 **Q. The side artist agreement that you drafted --**

10 10:18 A. That Tareq drafted.

11 **Q. Tareq drafted?**

12 A. Yes.

13 **Q. I thought you drafted this.**

14 A. No. He drafted the first version. And I took

15 10:18 that first version, and I shortened it, and I made sure
16 that the language is correct.

17 **Q. Uh-huh.**

18 A. The only provision that I kept is the one
19 related to the money part of the agreement, the rights

20 10:18 of the parties, and specifically the law, state of
21 Georgia.

22 So the email that I received from Tareq, actually,
23 I did not receive it. He sent it to Tamer, and Tamer
24 forwarded that email to me, that had all this provisions
25 10:18 stipulated specifically the courts. So that the law has

1 10:18 to be the Georgia law.

2 Q. Why Georgia law?

3 A. Because he said that Akon -- This is Akon,
4 where he lives.

5 10:18 Q. Uh-huh.

6 A. So that's Akon's preference.

7 Q. Okay.

8 Tareq is not part of the agreement; right?

9 A. No, he's not. He's not a party to the
10 10:18 agreement.

11 Q. Okay.

12 The agreement is between -- allegedly between the
13 plaintiff and Akon.

14 A. Correct, correct.

15 10:19 Q. Right.

16 So Tareq has no place to -- standing to suggest any
17 choice of law?

18 MS. EWING: Object to form. This is a legal
19 statement.

20 10:19 THE WITNESS: Yeah, it's -- this is what he
21 requested. So if you're asking me to make conclusions
22 why he did this, I don't know.

23 MR. JERISAT:

24 Q. And you believe Akon would simply sign off

25 10:19 without having his lawyer review the agreement?

1 10:19 MS. EWING: Object to form.

2 THE WITNESS: I don't know if Akon reviewed the
3 agreement or not, because Tareq was the one that took
4 the agreement from me.

5 10:19 MR. JERISAT:

6 Q. I understand.

7 My question is, do you know how Akon operates?

8 A. I don't.

9 Q. Do you know if -- He has his own lawyers;

10 10:19 right?

11 A. I don't.

12 MS. EWING: Object to form.

13 MR. JERISAT:

14 Q. But you expected Akon to simply sign off

15 10:19 without having his lawyers review the agreement?

16 A. It was not my position to expect or not to
17 expect that. My concern was if the contract was signed,
18 does it look authentic or not. And the email I received
19 from Tareq had "Akon" on it.

20 10:19 Q. No, I understand that.

21 But you must have some expectations, otherwise you
22 wouldn't have gone drafting the contract; right?

23 A. Correct.

24 Q. Did you expect Akon simply to sign off without
25 10:20 having his lawyer review the agreement?

1 10:20 MS. EWING: Object to form.

2 THE WITNESS: Again, that was not my expectations
3 at all. I was not trying to expect anything. My
4 concern at this point was whether I'm getting the

5 10:20 contract or not.

6 MR. JERISAT:

7 Q. Okay. All right.

8 And --

9 A. So whether it's reviewed or not, that's it. If
10 10:20 he signed it blindly or he didn't sign it, that's his
11 problem.

12 Q. Okay.

13 A. Yeah.

14 Q. Does Tamer -- Does the plaintiff here sign
15 10:20 contracts blindly?

16 A. No, he doesn't.

17 Q. Okay.

18 Do you expect anybody in the entertainment business
19 to sign off on a contract blindly?

20 10:20 MS. EWING: Object to form.

21 THE WITNESS: I never made a statement that Akon --

22 MR. JERISAT: I understand.

23 THE WITNESS: -- signed blindly.

24 MR. JERISAT:

25 10:20 Q. I'm not talking about a statement.

1 10:20 A. Yeah.

2 Q. You expect Akon to operate differently than
3 anyone else in the entertainment business?

4 MS. EWING: Object to form.

5 10:20 THE WITNESS: I don't know.

6 MR. JERISAT: Okay.

7 THE WITNESS: I don't know Akon.

8 MR. JERISAT:

9 Q. Right.

10 10:20 And you expect -- So you know that the plaintiff
11 has his lawyers review the agreements, right, or his
12 assistant?

13 A. Let me -- Let me make a statement for the
14 record --

15 10:21 Q. Yeah.

16 A. -- is that when "Welcome to the Life" was done,
17 there was no agreement. There was no written agreement.
18 And Akon approved it. It was actually the request Tamer
19 wanted a contract for the next song because there was --

20 10:21 that was a bigger investment.

21 Q. Okay.

22 A. But Akon, if we are asking about contracts,
23 what I have observed is that he did a performance. He
24 received cash with no receipts, with no contract. So

25 10:21 there was no written agreement. If that was your

1 10:21 question, there was no written agreement.

2 Q. So why would you draft an agreement to send it
3 to him?

4 A. I did not draft the agreement. It was Tamer's
5 10:21 request to have an agreement for the next project.

6 Q. Why?

7 A. Because he was not sure -- that was a bigger
8 investment. It was involving double the money. And
9 because it involves an agency -- apparent agency between
10 10:22 Akon and Chris Brown. So Tamer wanted a written
11 agreement just in case if things failed, then we'll have
12 something to support that Akon has to bring Chris Brown.

13 Q. Okay.

14 And Chris Brown was not involved in the agreement;
15 10:22 correct?

16 MS. EWING: Object to form.

17 THE WITNESS: To my knowledge, he was not involved.
18 It was all through Akon.

19 MR. JERISAT: Okay. Yeah.

20 10:22 THE WITNESS: And, again, I want to reemphasize, it
21 was Tareq that drafted this agreement, and I reworded
22 that agreement.

23 MR. JERISAT:

24 Q. You revised it?

25 10:22 A. I revised it.

1 10:22 Q. Okay.

2 Let's --

3 A. And, also, for the record, we have a copy of
4 that email as well.

5 10:22 Q. Okay.

6 Let's look at your paragraph 10 --

7 A. Sure.

8 Q. -- in Exhibit A.

9 Do you have Exhibit A?

10 10:23 A. Yeah.

11 Q. Okay.

12 A. This is the scanned receipts; right?

13 Q. Right.

14 A. Okay.

15 10:23 Let me read -- Give me a few minutes to read it.

16 Q. Okay.

17 A. Okay.

18 Q. All right.

19 Look at Exhibit -- Why don't you please read to me

20 10:23 the first two lines -- actually, the first four lines of
21 paragraph 10 for the record.

22 A. "On February 8, 2013, Tareq Freitekh caused
23 \$25,000 of the \$150,000 down payment to be deposited in
24 Akon's Georgia bank account maintained with SunTrust,

25 10:24 (Account Number XXX8776)."

1 10:24 Q. Okay.

2 And the next paragraph, please?

3 A. "On February 9, 2013, Tareq Freitekh caused
4 another \$25,000 to be deposited in the same Georgia bank
5 10:24 account belonging to Akon."

6 Q. All right.

7 Now, can you look at Exhibits A --

8 A. Uh-huh.

9 Q. -- and you see two deposits --

10 10:24 A. Correct.

11 Q. -- right?

12 A. Uh-huh.

13 Q. One on the February 8 and one on February 9?

14 A. Correct.

15 10:24 Q. Is there any doubt in your mind that these
16 deposits went to Akon's account?

17 A. I did have some doubts at that time because I
18 did have doubt on the second one. That was Saturday.
19 Because that would deposited on a weekend.

20 10:25 But because I am an ex-auditor, I looked at the
21 hour. So it was 9:55 a.m. So that's within the
22 operating hours of banks that are within the weekends,
23 like Saturday and Sunday.

24 So if that was at 8:00 in the morning, that would
25 10:25 have been a wrong document. Or if that was at

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1 10:25 5:00 p.m., that would have been a wrong document.

2 Also, what I looked at is the account number. So I
3 made sure that the account number matches what I have in
4 my records, because I transferred to the same account.

5 10:25 That ends with 8766.

6 And I also looked at the form of that receipt. It
7 didn't look perfectly, which means that even if I
8 suspected that it was forged, I looked at some stuff
9 that made me believe that they're not.

10 10:26 Q. They're not what?

11 A. They're not forged.

12 Q. Okay.

13 As you sit here, you filed an affidavit under
14 oath --

15 10:26 A. Sure.

16 Q. -- stating that Tareq transferred 50,000 --

17 A. Correct.

18 Q. -- into Akon's account; right?

19 A. Yeah.

20 10:26 Q. Is that a true statement?

21 A. Based on the documents that he sent me, that's
22 a true statement.

23 Q. Is it anything -- Do you have any evidence to
24 contradict this statement that you made under oath?

25 10:26 A. I do. Because when we receive -- When we

1 10:26 looked at Akon's bank account, when we looked at Akon's
2 response, we figured out that these deposits never made
3 it, and that made me believe that these documents are no
4 longer true.

5 10:26 Q. Okay.

6 So your statement to this Court under oath --

7 A. Yes.

8 Q. -- that Tareq deposited the money was a false
9 statement?

10 10:27 A. It wasn't a false statement. It was relying on
11 documents that he personally presented to me.

12 Q. Well, you represented to this Court that Tareq
13 deposited the money into Akon's account --

14 A. Correct.

15 10:27 Q. -- under oath.

16 Was that true or a false statement?

17 A. It was a true statement based on the documents
18 that I received from Tareq.

19 Q. Did you say that in your affidavit?

20 10:27 A. I did not. And I did not understand at this
21 point that I had to clarify, that if I need to
22 clarify --

23 Q. Did you clarify that at any point?

24 A. I did not.

25 10:27 Q. Okay.

1 10:27 Why not?

2 A. Because -- I think I did. I think I did.

3 Q. You did? When?

4 A. Yes.

5 10:27 I did when -- few weeks ago, and I went to the FBI
6 and I reported the whole thing.

7 Q. Okay.

8 But that's separate.

9 A. It is not separate.

10 10:27 Q. We're talking about this court -- this case.

11 A. Right.

12 Q. Did you make a statement to this Court, did you
13 ask your affidavit to be withdrawn?

14 A. No.

15 10:28 Q. Okay.

16 Did you file anything in this court to tell the
17 Court that these statements are no longer true?

18 A. No.

19 Q. Why not?

20 10:28 A. Because my understanding is that I had to
21 report it first to the authorities, okay, that these --

22 Q. You have lawyers; right?

23 A. I don't have lawyers. I'm a witness.

24 Q. Right. But --

25 10:28 A. I don't have a lawyer.

1 10:28 Q. You're assisting the plaintiff in this case?

2 A. I'm assisting the plaintiff, but I'm not a
3 lawyer. And the lawyers are not my lawyers. They're
4 the plaintiff's lawyers.

5 10:28 Q. Right.

6 But your drafting agreement, you're taking care of
7 the plaintiff agreement?

8 A. I think the main reason why this statement was
9 there is to say this is my understanding, this is how I
10 10:28 read it is that this is based on the documents that I
11 received, Tareq has deposited the money.

12 So if this was missing here, that is what this
13 statement specifically meant is based on the documents
14 that I have received from Tareq, these two deposits were
15 10:29 made.

16 Q. Well, let's read the paragraph again.

17 A. Sure.

18 Q. It says, "On February 8, 2013, Tareq Freitekh
19 caused \$25,000 of the \$150,000 down payment to be
20 10:29 deposited into Akon's Georgia bank account," and then
21 you listed Exhibit A?

22 A. Correct.

23 Q. Is this a false statement or a true statement?

24 A. It's a true statement based on the support I
25 10:29 got from Tareq, and that's why I attached it.

1 10:29 Q. It's either true or false.

2 MS. EWING: Object to form.

3 MR. JERISAT:

4 Q. You can't -- You're either pregnant or not.

5 10:29 You can't be in the midway.

6 MS. EWING: Object to form.

7 The witness has an opportunity to explain, which is
8 what he's trying to do is explain his answer and his
9 statement.

10 10:29 MR. JERISAT:

11 Q. Is it true or false?

12 A. Based on the documents that I've received from
13 Tareq --

14 Q. I'm asking you yes or no, true or false.

15 10:29 A. I did not analyze the documents. I don't know.

16 Q. My question is simple, true or false?

17 A. I don't know because that's the FBI work that
18 has to analyze this.

19 Q. You submitted an affidavit under oath --

20 10:30 A. Right.

21 Q. -- to this Court?

22 A. Correct.

23 Q. Right.

24 And you made a statement here?

25 10:30 A. Correct.

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1 10:30 Q. Is this statement true or false?

2 A. Based on my knowledge that this -- Based on the
3 documentation that I have received, this statement is
4 true.

5 10:30 Q. I'm only asking you, true or false?

6 A. My statement is true, but the facts --

7 Q. I don't want --

8 THE REPORTER: Hold on. One at a time.

9 THE WITNESS: My statement is true.

10 10:30 MS. EWING: Objection.

11 My witness has a chance to explain. Just the fact
12 that you don't like his answer doesn't mean he has to
13 change it.

14 MR. JERISAT:

15 10:30 Q. I'm asking you, is this statement true or
16 false?

17 A. This statement is true.

18 Q. True?

19 A. Yeah.

20 10:30 Q. Okay.

21 And so --

22 A. But I want to also put on the record --

23 Q. Hold on.

24 A. This was my -- I have to finish.

25 10:30 MS. EWING: He has a chance --

1 10:30 THE WITNESS: I have to finish.

2 My understanding is that this statement was based
3 on the documents that Tareq has provided.

4 MR. JERISAT:

5 10:30 Q. Okay. But that's not my question.

6 A. Okay.

7 Q. All right.

8 So --

9 MS. EWING: I'm going to object because the witness
10 10:30 always has a chance to explain his answer.

11 MR. JERISAT: Correct.

12 Q. Please listen to my question.

13 A. Absolutely.

14 Q. This statement that you made, Tareq deposited
15 10:31 25,000 to Akon's account --

16 A. Uh-huh.

17 Q. -- at the time you made that statement, you had
18 an opportunity to review all the facts; right?

19 A. No.

20 10:31 Q. You did not?

21 A. No. I had the opportunity to look only at the
22 facts that I had, which was the receipts that we
23 received. At that point, we did not have any doubt that
24 these payments were made.

25 10:31 Up 'til the point that we received the documents

1 10:31 back that shows that Akon never received these deposits
2 in his bank statement that Tareq has claimed that he has
3 deposited in, and he provided the receipts for that.
4 Until that point, I was not aware of any problem the
5 10:31 moment.

6 Q. Let me ask you this.

7 A. Sure.

8 Q. Did anyone force you to draft this affidavit?

9 A. No.

10 10:31 Q. Did anyone force you --

11 A. No.

12 Q. -- to file it?

13 A. No.

14 Q. You did it on your own will?

15 10:31 A. Correct.

16 Q. Okay.

17 And at the time you filed this --

18 A. Uh-huh.

19 Q. -- right, you told the Court that Tareq

20 10:31 deposited the money in Akon's account?

21 A. Uh-huh.

22 Q. Right?

23 A. Yes.

24 Q. Okay.

25 10:32 Now, as you sit here, you're saying this is a false

1 10:32 statement?

2 A. I'm not saying it's a false statement.

3 Q. Is it a true statement?

4 A. It's a true statement that based on my

5 10:32 documents.

6 Q. No, no, no. I don't want "buts."

7 MS. EWING: I'm going to object. He's giving an
8 explanation for his answer.

9 MR. JERISAT:

10 10:32 Q. I'm asking you, you testified under oath --

11 A. Uh-huh.

12 Q. -- that Tareq deposited the money?

13 A. Correct.

14 Q. I'm simply asking you, true or false, that's

15 10:32 it.

16 A. I don't know if based -- Again, my answer is
17 based on the receipts that he gave me, I believe that my
18 statement was true.

19 Q. Okay.

20 10:32 Did you commit perjury when you made that statement
21 to this Court?

22 A. What do you mean, "perjury"?

23 MS. EWING: Object to form.

24 MR. JERISAT:

25 10:32 Q. Did you make a false statement under oath?

1 10:32 A. No.

2 Q. Okay.

3 So your statement is true?

4 A. My statement, based on the documents and my
5 10:32 understanding from my responses, is that he deposited
6 the \$25,000 -- the two deposits of \$25,000.

7 Q. And you never told the Court after that that
8 that statement is not true?

9 A. I don't know if it's -- I don't know after
10 10:33 that, the facts are different, that he never made it.

11 Q. Did you tell the Court or anyone that this
12 statement is not true?

13 A. I did not say that this statement is not true.

14 Q. You did not?

15 10:33 A. I did not say that this statement is not true.

16 Q. Why not?

17 A. Because I didn't know this is the work of the
18 authorities. This is a police work. That's not my
19 work.

20 10:33 Q. Okay.

21 A. If somebody gave me a receipt to say that he
22 deposited the \$25,000, that's what I relied on when I
23 made my statement. If something else came out, my role
24 is to report that to the authorities, and the
25 10:33 authorities have to investigate it.

1 10:33 Q. I'm not asking about the authorities. I'm only
2 ask about you.

3 A. I'm not in a position to verify whether these
4 receipts are forged.

5 10:33 Q. You made a statement to the Court --

6 A. Correct.

7 Q. -- and this statement, that was under oath --

8 A. Uh-huh.

9 Q. -- right, you stated Tareq deposited \$25,000
10 10:33 into Akon's account?

11 A. I said Tareq --

12 Q. Did you --

13 THE REPORTER: One at a time.

14 MR. JERISAT:

15 10:33 Q. I'm not done.

16 Did you, at any point after this, tell anybody or
17 file anything with the Court stating that now you want
18 to withdraw this statement?

19 A. I did not want to withdraw this statement.

20 10:34 Q. Why not?

21 A. Because I don't know if these receipts are
22 forged or not.

23 Q. Okay.

24 A. My response was based on the receipts that I

25 10:34 received from Tareq. I have to make it very clear,

1 10:34 based on the receipts and the representations that were
2 made by Tareq. And that's why I said here, he caused
3 \$25,000, based on the receipts that he provided me as
4 the executive -- let me finish -- the executive producer
5 10:34 for this song. Okay.

6 Later on when we started suspected these receipts,
7 then I tried to pass that to the authorities. But I
8 still believe that my statement is correct. Why there's
9 a discrepancy, that's a police work.

10 10:34 Q. Okay.

11 That's not answering my question.

12 MS. EWING: I believe that has been asked and
13 answered.

14 MR. JERISAT: Right.

15 10:34 Q. Look at Exhibit A to the statement.

16 A. Yeah.

17 Q. What is false about these exhibits --

18 A. There's nothing false.

19 Q. -- receipts?

20 10:34 A. I don't know. They don't show up in Akon's
21 account.

22 Q. Okay.

23 That's separate. I'm asking about these receipts.

24 A. I don't see anything that makes them look

25 10:35 false.

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1 10:35 Q. Okay.

2 So as you sit here --

3 A. Uh-huh.

4 Q. -- today --

5 10:35 A. Yeah.

6 Q. -- okay, do you have any evidence that these
7 statements -- or these receipts are not accurate?

8 A. I don't have anything that proves that these
9 documents are forged or they're not real.

10 10:35 Q. Okay.

11 So as you sit here today --

12 A. Uh-huh.

13 Q. -- you have no evidence that these statements
14 are --

15 10:35 A. Which statements?

16 Q. -- these receipts --

17 A. Receipts.

18 Q. -- on April 8 and April 9 are not true, you
19 have no evidence at all?

20 10:35 MS. EWING: Object to form.

21 THE WITNESS: I don't have an evidence, but I have
22 a doubt because if they don't confirm to the bank
23 accounts, it means there's something wrong about them.

24 MR. JERISAT:

25 10:35 Q. Okay.

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1 10:35 I'm not asking about a doubt.

2 A. Yeah.

3 Q. I'm asking about evidence.

4 A. It's all doubts now.

5 10:35 Q. I'm not asking you about doubts.

6 A. Okay.

7 Q. I'm asking you, at you sit here today --

8 A. Sure.

9 Q. -- do you have any evidence to contradict your

10 10:36 own statements?

11 MS. EWING: Object to form.

12 THE WITNESS: No.

13 MR. JERISAT:

14 Q. All right.

15 10:36 As you sit here, it is fair for everyone to rely on
16 your statement --

17 A. Okay.

18 Q. -- that Tareq deposited \$25,000 on February 8
19 and February 9 in Akon's account?

20 10:36 MS. EWING: Object to form.

21 THE WITNESS: Okay.

22 So I believe --

23 MR. JERISAT:

24 Q. Yes or no?

25 10:36 A. I'm sorry. Say the question again.

1 10:36 MR. JERISAT: Can you please repeat the question?

2 (The record is read by the reporter.)

3 MS. EWING: Same objection.

4 THE WITNESS: I'm sorry. I have to listen to the

5 10:36 question again. I'm sorry.

6 (The record is read by the reporter.)

7 THE WITNESS: No.

8 MR. JERISAT:

9 Q. Why not?

10 10:37 A. Because I started having doubts.

11 Q. Okay.

12 Would you say it's not fair to rely on your

13 statement under oath --

14 A. Just for these two.

15 10:37 Q. Okay.

16 Are you telling everyone that you made a statement

17 under oath that no one should believe your statements?

18 MS. EWING: Object to form.

19 THE WITNESS: No. What I'm saying is, based on the

20 10:37 facts when I made this affidavit, all the evidence that

21 I received under my hands were supporting that Tareq

22 made these two deposits, and confirmed also by text

23 messages between me and Tareq, and confirmed also by

24 discussion on the phone with his dad -- with Tareq's dad

25 10:37 that lent us the money, who confirmed that Tareq took

1 10:37 the money from him.

2 MR. JERISAT: I'm going to object to this because
3 this is nonresponsive.

4 Q. I'm only asking you, simply, is it fair for
5 10:38 anyone to rely on your affidavit under oath?

6 A. For my affidavit, yes.

7 Q. Under oath?

8 A. Yes.

9 Q. Okay.

10 10:38 That which includes these two statements that Tareq
11 made 25,000 on the 8th and the 9th, yes or no?

12 A. It is yes, except for some of the facts that
13 were mentioned here that on a later date we started
14 having doubts --

15 10:38 Q. Right.

16 A. -- doubts because the facts were not available
17 at the time of the affidavit.

18 Q. Right. I'm not asking you about doubts.

19 A. Sure.

20 10:38 Q. I'm asking you about right now, as you sit
21 here, do you have any evidence to contradict these two
22 statements?

23 MS. EWING: Object to form.

24 THE WITNESS: Which statement?

25 10:38 MR. JERISAT:

1 10:38 Q. That Tareq deposited 25,000 on the 8th and 9th.

2 A. I don't have any evidence to contradict that.

3 Q. Okay. Good.

4 You stated later on that Tareq was reimbursed for

5 10:38 each deposit by the plaintiff?

6 A. Correct.

7 Q. Do you have evidence of that?

8 A. I have text messages.

9 Q. That shows what?

10 10:39 A. That shows that he got the money, and he paid
11 his dad. And there was also text messages that his dad
12 is willing to lend us the money on a later date. He has
13 to take the money, and then he will lend us the money on
14 a later date.

15 10:39 Q. Okay.

16 Do you have those?

17 A. I do.

18 Q. Okay.

19 Are you going to produce those?

20 10:39 A. Absolutely.

21 MR. JERISAT: Okay.

22 So can you put an asterisk to those. He's going to
23 produce text messages showing that Tareq was reimbursed
24 for 50,000.

25 10:39 THE WITNESS: It was part of the reimbursement that

1 10:39 he took from the second producer.

2 MR. JERISAT:

3 Q. Second producer?

4 A. Yes.

5 10:39 Q. Who's the second producer?

6 A. Wael Elhalwany.

7 Q. I'm not sure about that, but that's
8 nonresponsive. I'm only asking about reimbursement to
9 him.

10 10:39 A. Right.

11 Q. And you say you have text messages that shows
12 he was reimbursed?

13 A. Yes.

14 Q. And you will produce those on the break?

15 10:39 A. Absolutely.

16 Q. Okay.

17 A. Absolutely.

18 Q. Not to belabor this point, but remember when we
19 asked you about your deposition, I asked you, did you
20 10:40 made any false statements, and your answer was --

21 A. No.

22 Q. -- you did not make any false statements --

23 A. No.

24 Q. -- right?

25 10:40 You made true and correct statements in your

1 10:40 affidavit?

2 A. Based on all my knowledge, I made all the true
3 and correct statements.

4 Q. Right.

5 10:40 And so you did not commit perjury or made any false
6 statement under oath; correct?

7 A. Apparently I don't understand the term
8 "perjury."

9 Q. Did you make a false statement under oath?

10 10:40 A. No.

11 Q. Okay.

12 Well, perjury is when you make a false statement
13 under oath.

14 A. No, I did not.

15 10:40 Q. You did not commit perjury?

16 A. No, and I'm positive about that.

17 Q. Let's go to paragraph 11.

18 A. Uh-huh.

19 Q. You say that you made a wire transfer of 50,000

20 10:40 into Akon's account?

21 A. Correct, yeah.

22 Q. All right.

23 Take a look at Exhibit B.

24 A. Uh-huh.

25 10:41 Q. Okay.

1 10:41 Tell me what this Exhibit B shows.

2 A. A \$50,000 wire transfer.

3 Q. From?

4 A. From a bank account. And it's to Aliaune

5 10:41 Thiam.

6 Q. Okay.

7 Akon?

8 A. Akon, yeah.

9 Q. Okay.

10 10:41 The statement that you made the wire transfer of
11 50,000 to Akon's account, is that a true statement?

12 A. It is a true statement.

13 Q. Do you have any evidence to contradict that?

14 A. No.

15 10:41 Q. Would it be fair for the Court and anyone to
16 rely on this statement?

17 A. Absolutely.

18 Q. Okay.

19 A. And that's why I said on behalf of Tamer Hosny.

20 10:42 So I got the instructions from Tamer Hosny to transfer
21 this money from his brother's bank account.

22 Q. Why his brother's bank account?

23 A. Because Tamer doesn't have a bank account.

24 Q. Okay.

25 10:42 Does his wife have a bank account?

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1 10:42 A. She does, but it's not for business.

2 Q. Okay.

3 Was her bank account involved in this?

4 A. No.

5 10:42 Q. Okay.

6 A. This bank account was under the name of Hossam
7 Hosny, which --

8 Q. What's the name of his wife?

9 THE REPORTER: Hold on a second. There is way too
10 10:42 much overlap. I am back on the last question.

11 (The record is read by the reporter.)

12 MR. JERISAT: Right.

13 Q. Can you spell her last name -- her name?

14 A. B-o-u-s-s-i-l.

15 10:42 Q. Was there any money transferred to his wife's
16 account?

17 A. I think towards -- but I'm not sure, I have to
18 go back to my documents, I think towards the end, Tamer
19 contributed some money towards the production that the
20 10:43 second producer was supposed to make.

21 Q. Who is the second producer?

22 A. I just mentioned his name, Wael Elhalwany.

23 Q. Okay.

24 A. And he paid Tareq \$200,000.

25 10:43 Q. Okay.

1 10:43 A. 100- was to be deposited into Akon's account.

2 Q. Okay.

3 A. And 50,000 to cover Tareq money that he paid,
4 the 25- and the 25- that was mentioned in paragraph 10.

5 10:43 And then the remaining \$50,000 extra, it was \$45,000 to
6 be paid back to Tamer because Tamer contributed to --
7 50 percent of the money that he contributed toward the
8 production.

9 Q. Okay.

10 10:43 Let me get this straight here.

11 A. Sure.

12 Q. We're on this paragraph here (indicating).

13 A. Yeah.

14 Q. How much the plaintiff receive, money?

15 10:43 A. The plaintiff?

16 Q. The plaintiff.

17 A. He receives from --

18 Q. Anybody.

19 MS. EWING: Object to form.

20 10:44 MR. JERISAT:

21 Q. For this project.

22 A. For this project?

23 Q. The "Arabian Knight."

24 A. He did not receive money from anyone.

25 10:44 Q. Okay.

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1 10:44 A. He did get reimbursed for some extra money that
2 he contributed towards the project.

3 Q. How much was that?

4 A. 50,000.

5 10:44 Q. Okay.

6 He was paid 50,000?

7 A. He was paid 50,000.

8 Q. From whom?

9 A. From -- I don't remember that part now, but I
10 10:44 can go back and look at my documents if you want.

11 Q. When?

12 A. That was in April -- April time frame.

13 April 2013.

14 Q. He was paid back 50,000?

15 10:44 A. For -- Yes, for his portion of the -- not the
16 production, because he paid Akon 200- -- \$195,000 and
17 his part was supposed to be 50,000.

18 Q. Who paid 200,000?

19 A. Tamer.

20 10:45 Q. To Akon?

21 A. Yeah.

22 So 50,000 was believed to be these two deposits
23 that Tareq has claimed in paragraph 10. And \$45,000 --
24 three other deposits, 50,000 that was transferred from
25 10:45 Hossam Hosny, H-o-s-s-a-m, last name is H-o-s-n-y, who's

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1 10:45 Tamer's brother. And I made these transfers to his bank
2 account, to Akon's bank account, on around April 11th --
3 not April, I'm sorry -- February 11th.

4 And there was another one that I did which was
5 10:45 April --

6 **Q. Hold on. You're going off track here. I'm**
7 **asking you about all the moneys that the plaintiff**
8 **received for this project.**

9 A. That's what I'm explaining. No, your question
10 10:45 was what money the plaintiff has paid. That was your
11 question. You rephrased your question, and you said
12 what he paid.

13 **Q. You said --**

14 A. Let me finish the answer first.

15 10:46 **Q. Okay.**

16 A. So it was 50,000 that Tareq has made. It was
17 50,000 that I transferred from Hossam bank account,
18 another 50,000 on the next day and \$45,000 that was paid
19 sometime, I believe, in March 29th -- probably of March.

20 10:46 **Q. To who?**

21 A. To Akon.

22 **Q. Okay.**

23 A. So Akon received \$200,000 -- approximately
24 200- -- \$195,000 at that point. Akon was supposed to
25 10:46 receive 50 percent of the money before certain date, and

1 10:46 he got it. And that's why Tamer made extra
2 contribution, because we were looking for a second
3 sponsor. So until we get --

4 **Q. How much Akon receive, money?**

5 10:46 A. I don't know how much he received physically
6 because the only money that I transferred him directly
7 was \$145,000. This is what I'm sure about.

8 The other money that he received, that was based on
9 all the deposit slips that Tareq has provided.

10 10:47 **Q. Okay.**

11 **We'll get to that.**

12 A. Sure.

13 **Q. Okay.**

14 **And you stated that the plaintiff's wife's account**

15 10:47 **was not --**

16 A. I'm not sure. I think -- I'm thinking maybe
17 the last piece -- the repayment back to Tamer went to
18 his wife's account because he wanted -- might be the
19 case. I'm not sure. I remember it either might -- made

20 10:47 it back to Hossam's account or based on Tamer's
21 instructions, he asked for this money to be deposited in
22 his wife's account.

23 **Q. Which is how much?**

24 A. Which -- I don't know. I don't remember now,

25 10:47 at this point.

1 10:47 MS. EWING: I'm -- I want to object to sort of
2 clarify that we're here to talk about jurisdictional
3 discovery. I'm trying to give you some leeway, but I
4 feel like we're starting to get --

5 10:47 MR. JERISAT: Which is fine. I appreciate --

6 THE WITNESS: Which is fine. I'm ready to answer
7 any of your questions that are outside the scope.
8 I'm -- That's why I'm here in California.

9 Back to your question, I'm not sure what happened
10 10:48 exactly at that point, but I know that Tamer got paid
11 back the 50,000, that he paid extra, because Tamer's
12 contribution to that project was supposed to be \$150,000
13 for the artists and then together with 50 percent of the
14 production.

15 10:48 MR. JERISAT:

16 Q. Was he paid 50- or 45,000 from Tareq?

17 A. Back? I can't remember that. But around that
18 number, 45- or 50-.

19 Q. From Tareq?

20 10:48 A. Not from -- I think what happened -- I think
21 what happened -- but I can't remember exactly what
22 happened, I have to go back, I think what happened is
23 he -- maybe Tamer called him and ask him for this extra
24 50- or 45- to be deposited into a certain account.

25 10:49 Which account was that, I'm not sure. I can go back and

1 10:49 look.

2 Q. Okay.

3 So my question to you is, do you know if Tareq paid
4 the plaintiff 45- or 50,000 or any money?

5 10:49 A. He did not pay him. He used Wael's money.

6 Q. Doesn't matter.

7 A. Yeah.

8 Q. Did he transfer money in to the plaintiff?

9 A. He transferred money to the account. But which
10 10:49 account exactly, I can't remember. And I think it was
11 around that 45- or 50-.

12 And, again, for the record --

13 Q. Did you say --

14 A. I'm sorry. I haven't finished yet. Okay.

15 10:49 So for the record --

16 Q. Let me stop you right there.

17 A. Well, but I have to finish my statement.

18 Q. No.

19 A. I have my right to do that.

20 10:49 Q. No.

21 MS. EWING: As a witness, he does have an
22 opportunity to answer.

23 MR. JERISAT: Right, I agree. But I get to ask the
24 question.

25 10:49 THE WITNESS: Right. But I get to finish my

1 10:49 answer.

2 MR. JERISAT:

3 Q. Right.

4 MS. EWING: Then I think you should strike that

5 10:49 response.

6 MR. JERISAT:

7 Q. We have to move on here.

8 A. No, I understand.

9 My understanding is that we are asking about other

10 10:50 things, other than what we're here for. But --

11 Q. That's not true. We're going to the heart what
12 we're here for.

13 A. But I haven't finished my statement.

14 Q. Don't interrupt me.

15 10:50 A. But I want you to not interrupt me and let me
16 finish my statement.

17 Q. But this is a deposition. I get to ask
18 questions, and you get to answer.

19 MS. EWING: I'm going to make a statement. If
20 10:50 you're going to ask him questions, you have to let him
21 answer.

22 THE WITNESS: Is that possible? That's actually a
23 request from me, is that possible, to let me finish?

24 MR. JERISAT:

25 10:50 Q. We're moving on to something else.

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1 10:50 A. Okay.

2 So I haven't finished my answer for the record.

3 Q. Okay.

4 Paragraph 12, and we're back to your issue of

5 10:50 jurisdiction, those payments.

6 You said you made a wire transfer of 50- to Akon's
7 account?

8 A. Correct.

9 Q. Okay.

10 10:50 Take a look at Exhibit C.

11 A. Okay.

12 Q. Okay.

13 Is this a true and accurate statement that you paid
14 50,000 to Akon's --

15 10:51 A. Correct, yes.

16 Q. Okay.

17 Do you have any evidence to contradict that?

18 A. No.

19 Q. Are we supposed to rely on your affidavit --

20 10:51 A. Yes, sir.

21 Q. -- under oath?

22 A. Yes.

23 Q. Okay.

24 A. And, again, for the record, that's from Hossam

25 10:51 Hosny's bank account, H-o-s-s-a-m, H-o-s-n-y. I was the

1 10:51 one that made these transfers.

2 Q. Paragraph 16, you said you made a wire
3 transfer?

4 A. Yes.

5 10:51 Q. Of how much?

6 A. 45,000.

7 Q. Okay.

8 To --

9 A. Akon's bank account.

10 10:51 Q. Okay.

11 And which documents do you have to support that?

12 A. It might not be here, but I have it.

13 Q. Why it's not --

14 A. I think it's included in the -- in the court --

15 10:52 MS. EWING: Are you looking at 16?

16 THE WITNESS: 16, yes.

17 MS. EWING: Is there an exhibit referenced?

18 THE WITNESS: There was no exhibit referenced --

19 MR. JERISAT: Okay.

20 10:52 MS. EWING: -- on 16.

21 THE WITNESS: Yeah.

22 Oh, Exhibit F. I'm sorry.

23 MS. EWING: I just want to make sure we're looking
24 at the same thing.

25 10:52 THE WITNESS: Exhibit E and Exhibit F. Oh, I'm

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1 10:52 sorry. Yeah, it's -- it's that one.

2 MR. JERISAT:

3 Q. Okay.

4 Is this true and accurate?

5 10:52 A. It is true.

6 Q. Is there any doubt in your mind?

7 A. No.

8 Q. Is there any evidence -- Are you aware of any
9 evidence that contradicts that?

10 10:53 A. No.

11 Q. And if you would -- And if you become aware of
12 any evidence that contradicts your statement, you would
13 have withdrawn these statements; correct?

14 A. True.

15 10:53 Q. Okay.

16 Did you withdraw any statement in this affidavit?

17 A. No.

18 Q. Paragraph 17, can you read the paragraph 17,
19 the first two lines, please?

20 10:53 A. "On April 1st, 2013, Freitekh" -- "Tareq
21 Freitekh caused \$100,000 in cash to be deposited in
22 Akon's Georgia bank account (Account Number XXX8766).

23 "Tareq Freitekh" -- That's the first paragraph.

24 Q. Okay.

25 10:53 And taking a look at Exhibit G --

1 10:53 A. Uh-huh.

2 Q. -- is this a true and accurate receipt?

3 A. I don't know. I can't make this judgment.

4 Q. Okay.

5 10:54 Well, then if you can't make this judgment, why
6 would you tell the Court that Tareq made that?

7 A. Because based on the evidence that I've
8 received and based on the confirmations that I've
9 received from Tareq --

10 10:54 Q. Right.

11 A. -- this statement is true.

12 And when we looked at Akon's bank account, this
13 particular -- not this particular trans- --

14 Q. When did you look at the Akon bank account?

15 10:54 A. When -- When we receive --

16 Q. When you say "we," who is "we"?

17 A. We, me and Tamer. Because Tamer receives all
18 the communication from the lawyer. So I have -- I take
19 a look on the communication as well.

20 10:54 Q. Okay.

21 A. So when we looked at this, the only thing that
22 was not confirming was the date.

23 Q. When did you look at Akon's account?

24 A. Few months ago.

25 10:55 Q. When? Give us a date.

1 10:55 A. I don't remember the exact date now.

2 Q. Okay.

3 And did you -- And what -- What's in that account
4 that made you question your own statement under oath?

5 10:55 A. I -- My statement is still correct. What I'm
6 questioning now is the date. Because when we looked at
7 Akon's bank account, it's very similar to the deposit
8 that -- the \$50,000 deposit that was mentioned in
9 paragraph 10. I'm not sure. I don't know if this

10 10:55 receipt is right or wrong.

11 Q. Okay.

12 So if you don't know, why would you make a
13 statement to the Court --

14 A. Because the same answer is --

15 10:55 Q. Let me finish.

16 Why would you make a statement to the Court that
17 Tareq deposited the money?

18 A. Because I still believe that this statement --
19 or this receipt was correct. And when I started having

20 10:56 doubts, similar to my previous answer, I reported that
21 to the authorities and -- let me finish -- I am not a
22 police to verify if a receipt is correct.

23 Q. Okay.

24 Did you tell the Court or anyone else that this

25 10:56 statement is no longer true?

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1 10:56 A. I don't know if it's no longer true.

2 Q. Okay.

3 As you sit here, do you have any evidence to
4 contradict this statement?

5 10:56 A. No.

6 Q. As you sit here, would it be fair to rely on
7 this statement?

8 A. Yes.

9 Q. Okay.

10 10:56 Did you make any false statement under oath --

11 A. No.

12 Q. -- in this affidavit?

13 A. No.

14 Q. Okay. All right.

15 10:56 Did you tell anyone that they should withdraw this
16 affidavit?

17 A. No.

18 Q. You still believe this affidavit is true and
19 correct?

20 10:57 A. Based on all the knowledge that I have, it's
21 true and correct.

22 Q. Okay.

23 Now, paragraph 18, can you please read the -- Well,
24 hold on a second. Sorry. Let's stick with 17.

25 10:57 Second line --

1 10:57 A. Uh-huh.

2 Q. -- second paragraph, can you please read that,
3 "Tareq Freitekh received" --

4 A. "Tareq Freitekh received this amount in cash
5 10:57 from rep" -- "from a representative of Tamer Hosny for
6 the purpose of this payment."

7 Q. And how would you know that?

8 A. Because I verified that with the second
9 producer through a text message, and he confirmed that
10 10:57 the money was given to Tareq.

11 Q. Okay.

12 When you say "representative," who's personal
13 representative?

14 A. That was an assistant of the second producer.

15 10:57 Q. Okay.

16 A. His name is Mo.

17 Q. Mo?

18 A. Mo.

19 Q. Right.

20 10:57 A. And they were together when they made all the
21 bank deposits. This is what I was told from the second
22 producer.

23 Q. Okay.

24 So you have a second confirmation --

25 10:58 A. Yes.

1 10:58 Q. -- that this statement is true?

2 A. I asked, yes.

3 Q. Is true?

4 A. Yes.

5 10:58 Q. Paragraph 18, can you please read the first
6 line?

7 A. "On April 4, 2013, Tareq Freitekh caused 5,000
8 to be wired directly to Akon's Georgia bank account."
9 That's the first paragraph.

10 10:58 Q. Right.

11 True and correct copy is in Exhibit H --

12 A. Yeah.

13 Q. -- correct? Okay.

14 Is this statement true?

15 10:58 A. Yes. Based on the evidence that I've received,
16 yes, it is true.

17 Q. Right. Okay.

18 And take a look at Exhibit H that you have.

19 A. I did.

20 10:58 Q. Is this true and accurate?

21 A. I don't know if this is true.

22 Q. You don't know?

23 A. I don't know if this -- this is based on what
24 Tareq sent me, not a misstatement. I'm saying I'm not

25 10:58 sure if this document is true.

1 10:58 Q. Okay.

2 So why would you tell the Court that this statement
3 is true when, in fact, you, yourself, have doubt about
4 that?

5 10:59 A. No. I -- Actually, I believe that this
6 statement is true. And I provided all the documents
7 that proves this, unless it proves the opposite. I
8 still don't have doubts about this.

9 Q. Okay.

10 10:59 So my question to you is, as you sit here --

11 A. Uh-huh.

12 Q. -- when you provided these statements to the
13 Court --

14 A. Sure.

15 10:59 Q. -- under oath, those statements are true to the
16 best of your knowledge?

17 A. Absolutely.

18 Q. And they're still true today?

19 A. I'm questioning the support.

20 10:59 Q. That's not my question.

21 My question is, are they still true today, yes or
22 no?

23 MS. EWING: Object to the extent if he can't
24 answer --

25 10:59 MR. JERISAT:

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1 10:59 Q. Yes or no?

2 MS. EWING: -- whether they're true or not.

3 THE WITNESS: I don't --

4 MR. JERISAT:

5 10:59 Q. You don't know?

6 A. I don't know if they're still true or not. At
7 that time, I believe it's true.

8 Q. Okay.

9 A. So far, I don't know if they're true or false.

10 10:59 Q. Did you tell the Court about this?

11 A. No, I did not.

12 Q. Why not?

13 A. I did not know that I have to do this.

14 Q. Okay.

15 11:00 Don't you think you have a legal and moral
16 obligation --

17 A. I do.

18 Q. Let me finish.

19 A. Uh-huh.

20 11:00 Q. -- obligation to correct a statement --

21 A. I don't want to correct it.

22 Q. Please let me finish.

23 A. Sure.

24 Q. Do you believe you have a moral and legal

25 11:00 obligation to correct a statement made to this Court

1 11:00 when you have evidence to contradict that, yes or no?

2 A. Yes.

3 Q. Okay.

4 And do you -- Given what you told me now --

5 11:00 A. Uh-huh.

6 Q. -- did you correct these statements to the
7 Court at any time?

8 A. Because I don't need to correct them.

9 Q. Why not?

10 11:00 A. Because I don't believe that they're wrong.

11 Q. They're true?

12 A. I don't -- They are true. And I had doubts if
13 the supporting documents are correct, and that's why I'm
14 seeking that if any time I learn that these documents
15 11:00 are false or forged, which I'm not a police, I will go
16 to the Court and report that.

17 The only thing that I did is, I reported my doubts
18 to the -- what do you call it? -- the law enforcement,
19 and they can investigate that. If the law enforcement

20 11:01 said that these receipts are incorrect, I'm going to
21 update my affidavit, and I'm going to explain all the
22 facts that happened past that date.

23 Q. Okay.

24 When you made those statements under oath --

25 11:01 A. Uh-huh.

1 11:01 Q. -- based on everything you know, these
2 statements were true?

3 A. Were true.

4 Q. Okay.

5 11:01 A. And I verified that.

6 Q. And as you sit here today, you have no evidence
7 to contradict those --

8 A. I don't have evidence.

9 Q. -- to contradict any of these statements?

10 11:01 MS. EWING: Object to form.

11 THE WITNESS: I have doubts, but I don't have
12 evidence.

13 MR. JERISAT:

14 Q. I don't care about doubts.

15 11:01 A. I don't have evidence.

16 Q. I'm asking about evidence.

17 MS. EWING: Object to form.

18 THE WITNESS: I don't.

19 MR. JERISAT:

20 11:01 Q. Okay.

21 So you've got two choices here. One, either -- you
22 either testified under oath in this affidavit or you
23 have perjured yourself by making false statement?

24 A. True.

25 11:02 MS. EWING: Object to form.

1 11:02 MR. JERISAT:

2 Q. Which choice do you want to make?

3 A. No, I made the right statement.

4 Q. You did not make false statements?

5 11:02 A. No, not at all.

6 Q. You did not perjure yourself?

7 A. No.

8 Q. And so if what you told me is true --

9 A. Uh-huh.

10 11:02 Q. -- and the affidavit is true --

11 A. Correct.

12 Q. -- then Tareq has transferred the entire amount

13 to Akon --

14 MS. EWING: Object to form.

15 11:02 MR. JERISAT:

16 Q. -- you'd agree with that?

17 A. Based on the evidence that we have received,

18 yes.

19 Q. Okay.

20 11:02 And so, therefore, Tareq did not commit any fraud

21 in this case?

22 MS. EWING: Object to form.

23 THE WITNESS: I don't know.

24 MR. JERISAT:

25 11:02 Q. You --

1 11:02 A. I reported my doubts.

2 Q. I understand.

3 But based on your statements and everything you
4 know, which are true --

5 11:03 A. Uh-huh.

6 Q. -- because you have no evidence to contradict
7 them, Tareq transferred all the money to Akon?

8 MS. EWING: Object to form.

9 THE WITNESS: Based on the documents that he
10 11:03 provided me.

11 MR. JERISAT:

12 Q. No, I'm asking you based on --

13 A. I don't know, because I was not the one that
14 transferred the money.

15 11:03 Q. But you have an affidavit --

16 A. That says that Tareq caused this money --

17 Q. -- under oath.

18 A. Correct.

19 Q. Right.

20 11:03 That affidavit is true?

21 A. Right.

22 Q. Right.

23 And you told the truth?

24 A. Yeah. And I -- That's why in the attachments,

25 11:03 I showed that Tareq sent me this receipts.

1 11:03 Q. I understand.

2 A. Let me finish. In the mind of any reasonable
3 person that sees or reads the support that I have, it's
4 based on the information that he provided.

5 11:03 Q. I'm not asking you about the minds of any
6 reasonable person.

7 A. Sure.

8 Q. I'm asking you about specifically this
9 affidavit that you signed under oath is true --

10 11:03 A. It is true.

11 Q. -- and correct?

12 A. It is true.

13 Q. And based on that, Tareq transferred all the
14 money to Akon?

15 11:03 A. Correct.

16 MS. EWING: Object to form.

17 MR. JERISAT:

18 Q. Yes?

19 A. Based on the evidence that he did, yes.

20 11:04 Q. Based on your own affidavit?

21 MS. EWING: Object to form.

22 THE WITNESS: Based on my own affidavit, yes.

23 MR. JERISAT:

24 Q. Yes?

25 11:04 A. Yes.

1 11:04 Q. So you would be willing to testify in court
2 that Tareq transferred all the money to Akon?

3 MS. EWING: Object to form.

4 THE WITNESS: No.

5 11:04 MR. JERISAT:

6 Q. You would not?

7 A. No.

8 Q. You would contradict yourself?

9 A. I'm not going to contradict myself. I'm going
10 11:04 to say that based on all the receipts that Tareq has
11 sent me, I made all the statements in the affidavit. So
12 I relied on his -- on his receipts. If there's anything
13 that comes wrong in this receipts, I'm definitely going
14 to go to the Court and say that.

15 11:04 Q. Did you say that in this affidavit, that this
16 affidavit is limited to the documents that Tareq
17 provided you?

18 A. I did not know at that time that I have to say
19 that in my affidavit. I'm not a legal person.

20 11:04 Q. I understand about legal person.

21 A. Right.

22 Q. But my question to you is, when you made those
23 statements, those statements were absolute, they were
24 not qualified?

25 11:04 MS. EWING: Object to form.

1 11:04 THE WITNESS: I don't know what's meant by
2 "qualified."

3 MR. JERISAT:

4 Q. Okay.

5 11:04 Well, when you say -- Let's look at the first
6 statement. For example, on paragraph 10, you say on
7 February 8, Tareq caused 25,000 to be deposited into
8 Akon's account --

9 A. Sure.

10 11:05 Q. -- period?

11 A. Yeah.

12 Q. You did not say --

13 A. No, I said based on the exhibit.

14 Q. Let me finish, please.

15 11:05 A. Okay.

16 Q. You did not say, "This is based on what Tareq
17 told me and I made" --

18 A. He did not tell me. He sent me the evidence.

19 Q. Please let me finish.

20 11:05 A. Yeah.

21 Q. Do not interrupt me.

22 You never state at any point that this information
23 is based on what Tareq provided you?

24 A. No.

25 11:05 MS. EWING: Object to form because you're not

1 11:05 reading the full paragraph. You're taking one sentence
2 out of one paragraph and taking it out of context.

3 MR. JERISAT: Please let me finish. I appreciate
4 your objection.

5 11:05 Q. The question is, when you made that statement,
6 that Tareq caused that \$25,000 to be deposited, you
7 never at any point said, "This is based on the document
8 that Tareq provided"?

9 A. Sure. My understanding for the language that I
10 11:06 put in --

11 Q. Yeah.

12 A. -- as long as I put the reference here, the
13 reference becomes apart of my affidavit, and the
14 reference clearly shows an email with a receipt.

15 11:06 Q. Okay.

16 A. So that's my understanding. Any reasonable
17 person that is going to read my affidavit, he's going to
18 see. Because in my affidavit, I'm also referencing to
19 the -- to that appendix, right -- where's that? -- as

20 11:06 Exhibit A -- is attached here as Exhibit A.

21 So my understanding for my statement, that any
22 reasonable person that is going to read it is going to
23 have to look at this exhibit, which shows that it's an
24 email communication from Tareq with an attachment.

25 11:06 Q. Obviously, reasonable persons disagree because

1 11:06 we're having this conversation.

2 MS. EWING: Object to form.

3 THE WITNESS: I'm not in a position to judge you.

4 MR. JERISAT:

5 11:06 Q. Okay.

6 I may be unreasonable, but did you at any point
7 state, "This statement is based on the document that
8 Tareq provide me"?

9 A. My language in this affidavit --

10 11:07 Q. Tell me, where does it say that?

11 A. It's as attached in exhibit.

12 Q. Where?

13 A. A.

14 MS. EWING: Object to form.

15 11:07 He's trying to explain his answer --

16 MR. JERISAT: Right.

17 MS. EWING: -- and his understanding.

18 THE WITNESS: A true and correct copy of April 9 --

19 THE REPORTER: Hold on a second. One at a time.

20 11:07 MR. JERISAT:

21 Q. Please read the first paragraph.

22 A. Sure.

23 Q. Go ahead.

24 A. So on February 8, 2013, Tareq Freitekh caused

25 11:07 25,000 of the 150- down payment to be deposited into

1 11:07 Akon's Georgia bank account maintained in SunTrust,
2 Number XXX87-.

3 Q. Period?

4 A. Period.

5 11:07 Q. That's it?

6 A. No. The context, the paragraph has to be read.

7 Q. But hold on. Hold on a second. I'm not done.

8 Period?

9 A. Uh-huh.

10 11:07 Q. There's nothing about based on Tareq's
11 statement, based on his exhibit --

12 A. Sure.

13 Q. -- based on his documents?

14 A. Correct.

15 11:07 Q. You stated flatly to this Court under oath that
16 Tareq transferred the money into Akon's account?

17 A. I did not --

18 MS. EWING: Object to form.

19 MR. JERISAT:

20 11:08 Q. You did.

21 MS. EWING: You're mischaracterizing paragraph 10.

22 THE WITNESS: Exactly.

23 MR. JERISAT:

24 Q. Listen to my question. You stated to this

25 11:08 Court that Tareq transferred the money into Akon's

1 11:08 account, period?

2 MS. EWING: Object to form.

3 MR. JERISAT:

4 Q. Correct?

5 11:08 A. Correct.

6 MR. JERISAT:

7 Q. Okay.

8 You did not say "Transferred the money based on his
9 documents" or that "I am" -- at any point in this

10 11:08 affidavit, "This affidavit is based only on the
11 documents that Tareq provided to me"?

12 A. It's my understanding --

13 Q. Hold on a second. I'm not done.

14 Did you at any point state in your affidavit that

15 11:08 "This affidavit is only based on the documents that
16 Tareq provided"?

17 MS. EWING: Object to form.

18 THE WITNESS: My understanding is that the language
19 explains that.

20 11:08 MR. JERISAT:

21 Q. I'm not asking about your understanding.

22 A. No.

23 Q. Show me where in your affidavit --

24 A. Exhibit A.

25 11:08 Q. Show me where you state the following: "This

1 11:08 affidavit is only based on the documents that Tareq
2 provided"?

3 MS. EWING: Object to form.

4 MR. JERISAT:

5 11:09 Q. Where?

6 A. I don't see it.

7 Q. It's not there.

8 A. That's your understanding.

9 Q. Well, go ahead, find it. Show me where it is.

10 11:09 A. Exhibit A.

11 Q. What does it say --

12 A. It says, "A true and correct copy of an
13 April 9, 2013 email from Tareq Freitekh to me attaching
14 the February 8th, 2013 and February 9, 2013 deposit
15 11:09 receipts is attached hereto as Exhibit A."

16 Q. Right.

17 But it doesn't show what you're saying is there are
18 documents that support that attached to this.

19 A. That's legal language.

20 11:09 MS. EWING: Object to form because this is asked
21 and answered.

22 THE WITNESS: I'm not a legal --

23 MS. EWING: You don't like his answer, but you keep
24 asking the same question.

25 11:09 THE WITNESS: I believe this is the reference. You

1 11:09 are misinterpreting that. I don't know. I'm not a
2 legal person.

3 MR. JERISAT:

4 Q. I'm not misinterpreting anything. I'm only --

5 11:10 THE REPORTER: One at a time, please.

6 MR. JERISAT:

7 Q. Your statement, you stated Tareq made the
8 deposit of the money --

9 A. Correct.

10 11:10 Q. -- period?

11 MS. EWING: Object to form.

12 THE WITNESS: With the paragraph?

13 MR. JERISAT:

14 Q. Yes.

15 11:10 A. No.

16 Q. Okay.

17 Just listen to me. You state, "Tareq deposit the
18 money," period; correct?

19 A. No.

20 11:10 Q. I know there are other statements, but just
21 look at your paragraph, the first statement says, "Tareq
22 deposit the money," period?

23 A. Sure.

24 Q. Nowhere in your affidavit or anywhere in your
25 11:10 affidavit is qualified by stating that this information

1 11:10 is solely based on Tareq's documents, emails, or
2 documents provided to me?

3 MS. EWING: Object to form.

4 MR. JERISAT:

5 11:10 Q. Correct?

6 A. There is no qualification.

7 Q. Right.

8 A. Yes.

9 Q. Right. I'm sorry. Let me turn it off.

10 11:10 THE REPORTER: Can we take a break?

11 MR. JERISAT: Yes.

12 (A recess is taken.)

13 MR. JERISAT:

14 Q. In your declaration, you reference

15 11:22 28 U.S.C. 1746 at the last page on page 9 before the
16 end?

17 A. Uh-huh.

18 Q. What is that? Do you know what that is?

19 A. It's the United State Code, I think.

20 11:23 Q. Right.

21 A. Number 1746.

22 Q. Right.

23 What is that?

24 A. It's -- It says that -- based on my reading the

25 11:23 summary, this is true, and I'm making that under oath,

1 11:23 and all the statements should be true and all this
2 stuff.

3 Q. Okay.

4 And it's also under penalty of perjury.

5 11:23 A. Oh, absolutely. I understand that.

6 Q. Okay.

7 Now, you testified today that some of the money
8 that was sent to Akon was not the plaintiff, was some
9 other people; correct?

10 11:23 A. Which paragraph are you referring to?

11 Q. Not referring to, but you testified today that
12 some of the money that was paid to the plaintiff -- was
13 paid to Akon, was not the plaintiff, was other people's
14 money; correct?

15 11:23 A. It was the plaintiff's money that was arranged
16 by other people. I want to make it very clear, it was
17 plaintiff's money.

18 Q. "Arranged by other people," what do you mean?

19 A. Yes. So --

20 11:24 MS. EWING: I'm just going to object to the extent
21 I don't see how this relates to whether Freitekh is
22 subject to the jurisdiction of the court.

23 MR. JERISAT: You made valid points --

24 MS. EWING: I think that I --

25 11:24 MR. JERISAT: -- but I want to clarify before you

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1 11:24 move on.

2 MS. EWING: I want to say that I think that
3 particular question-and-answer series was the one you
4 said you didn't want him to finish earlier.

5 11:24 THE WITNESS: I agree, too.

6 MR. JERISAT:

7 Q. But I just want to clarify this point only.

8 How much money the plaintiff was it -- From the
9 300,000 paid to Akon, how much is it came from the
10 11:24 plaintiff and from what location?

11 A. It's the entire 300,000 came from the
12 plaintiff. The locations are different. So some of
13 them were paid by his bank account, straight from his
14 bank account. Some of them were paid by Tareq and then
15 11:24 he got reimbursed back for that. And some of them came
16 from another arrangement that we have from another
17 sponsor. But this money is Tamer's money.

18 Q. Okay.

19 Can you just clarify, what is the arrangement and
20 11:25 where is that sponsor located?

21 MS. EWING: I still fail to see how this is
22 relevant, but --

23 THE WITNESS: The sponsor has nothing to do with
24 the agreement, that subject agreement between Akon and

25 11:25 Tamer.

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1 11:25 MR. JERISAT:

2 Q. Okay.

3 A. That was a financing contract between Tamer and
4 another person.

5 11:25 Q. Right.

6 I mean, my question to you is, the 300,000 paid to
7 Akon came from the plaintiff from Egypt and North
8 Carolina?

9 A. Not necessarily from Egypt and North Carolina.

10 11:25 Some of them came as a deposit -- as a payment to Tamer,
11 payment on behalf of Tamer.

12 Q. Payment?

13 A. To be clear, payments on behalf of Tamer. So
14 Tamer was the one that instructed the payments to be

15 11:25 made that way.

16 Q. Right.

17 But it's all the plaintiff money from Egypt and
18 North Carolina?

19 A. Not necessarily.

20 11:25 Q. Okay.

21 Any other locations where the money was transferred
22 to Akon?

23 MS. EWING: Object to form.

24 THE WITNESS: When -- I don't understand the

25 11:25 question.

1 11:25 MR. JERISAT:

2 Q. Okay.

3 So we have Tareq, who was at that time was in North
4 Carolina --

5 11:26 A. Correct.

6 Q. -- transferred some money to Akon's account in
7 Georgia?

8 A. Correct.

9 Q. And we have the plaintiff, who is in Egypt?

10 11:26 A. He wasn't in Egypt. He was in the U.S.

11 Q. Where was he?

12 A. In the U.S.

13 Q. In North Carolina?

14 A. No.

15 11:26 In February, either North Carolina or Miami because
16 there's overlap here. There's time where he went to
17 Miami after that.

18 Q. Okay.

19 And he stayed in North Carolina?

20 11:26 A. He stayed in North Carolina.

21 Q. Where did he stay?

22 A. I don't know.

23 Q. In Tareq's house?

24 A. I don't know.

25 11:26 Q. Okay.

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1 11:26 And did he --

2 A. I wasn't there.

3 Q. He wasn't there. Okay.

4 So he stayed in North Carolina, and he transferred

5 11:26 some of the money to Akon's account in Georgia?

6 A. Who did?

7 Q. The plaintiff or --

8 A. I did.

9 Q. You did?

10 11:26 A. I did.

11 Q. On behalf of the --

12 A. On behalf of the plaintiff.

13 Q. Right.

14 And was any money transferred from Miami to Akon's

15 11:26 account in Georgia?

16 A. While we were physically in Miami?

17 Q. Anywhere.

18 A. I have to go back. I made these transfers.

19 What I'm not sure of is that it was either Miami or

20 11:27 Houston, Texas, when I was physically there. Because

21 this money was transferred electronically --

22 Q. Okay.

23 A. -- so it doesn't matter where you are.

24 Q. Was there any money transferred in Atlanta to

25 11:27 Akon's account?

1 11:27 MS. EWING: Object to form.

2 Are we talking about -- Which project? Sorry.

3 MR. JERISAT: The "Arabian Knight."

4 THE WITNESS: No.

5 11:27 MR. JERISAT:

6 Q. Okay.

7 As far as Tareq's --

8 A. But I have to add one thing. I don't know
9 where Tareq was when he made this \$25,000 deposit. What

10 11:27 I saw is the deposit in a Georgia bank account of
11 25,000.

12 Q. Right.

13 A. So I don't know where he physically was when he
14 made this transfer. Probably he was in Georgia. Maybe
15 11:28 he was in Georgia when he made these two transfers.

16 Q. Or North Carolina, you just don't know?

17 A. I don't know. But based on the receipts, the
18 receipts shows a Georgia bank account.

19 Q. Okay.

20 11:28 As far as what you know, Tareq's connection to this
21 project you've acknowledged or based on the three days
22 you stayed in Atlanta?

23 MS. EWING: Object to form.

24 THE WITNESS: No.

25 11:28 MR. JERISAT:

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1 11:28 Q. The personal knowledge?

2 A. No. I know more about that, more -- far beyond
3 that.

4 Q. Based on what?

5 11:28 A. Based on my communication with Tareq, okay,
6 through phone calls and text messages. Also through my
7 discussion with Tamer, because Tamer comes to me before
8 the decisions are made.

9 Q. Okay.

10 11:28 Those are your bases of knowledge --

11 A. Yes.

12 Q. -- about this project?

13 A. While I was physically there, all the things
14 that I put in my affidavit, that was based on the -- me
15 11:28 being present there.

16 Q. Okay.

17 Or told to you by the plaintiff?

18 A. And confirmed by the plaintiff.

19 Q. Right.

20 11:29 A. And confirmed personally to me by the
21 plaintiff.

22 Q. Right.

23 A. Yes.

24 Q. And as far as your knowledge about Tareq's

25 11:29 connection to the "Arabian Knight" --

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1 11:29 A. Yes.

2 Q. -- you testified you were in Atlanta for
3 three days --

4 A. Okay.

5 11:29 Q. -- right?

6 During those three days -- And you testified that
7 Tareq -- you had a discussion with Tareq about the --

8 A. I'm sorry. It should be four days. Isn't it
9 23rd, -4th, -5th, and -6th? That should be four.

10 11:29 Q. You're leaving on the 26th.

11 When did you leave on the 26th?

12 A. Afternoon.

13 Q. And so you stayed the --

14 A. I just don't know what your definition of "day"

15 11:29 is.

16 Q. You came to Atlanta on the 23rd what time?

17 A. At night.

18 Q. So you stayed in Atlanta for the 24th --

19 A. No, I stayed on the 23rd.

20 11:29 Q. I understand.

21 But you came in at night?

22 A. Doesn't matter.

23 Q. What time that you came at night?

24 A. I can't remember, but in the evening.

25 11:29 Q. In the evening?

1 11:29 A. Yeah.

2 Q. And how long --

3 A. We stayed up until 4:00 in the morning.

4 Q. I understand. I understand.

5 11:30 But you traveled from the airport to that Westin
6 Hotel; right?

7 A. Uh-huh.

8 Q. Then on the morning of the 24th, the 25th, you
9 were --

10 11:30 A. No. We had discussions on the 23rd at night.
11 This is when we sealed the deal.

12 Q. At what time?

13 A. At night. Probably close to like midnight when
14 we got the confirmation from Tareq.

15 11:30 Q. When did you arrive?

16 A. I arrived in the evening. I can't remember
17 exactly, but I know that it was very, very late at
18 night.

19 Q. Okay.

20 11:30 And then on the 24th, you had a discussion at
21 midnight?

22 A. No, it was not the 24th, if you're saying past
23 the midnight.

24 Q. Okay.

25 11:30 That's on the 24th?

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1 11:30 A. Right. It might be before midnight, around the
2 midnight time, okay. But it was -- I think it was
3 before that. I'm talking about when we confirmed
4 everything.

5 11:30 Q. Right.

6 And on the 24th, what did you do?

7 A. 24th, we went to the bank.

8 Q. Who's "we"?

9 A. Myself and Hossam, Tamer's brother. And we
10 11:30 withdrew from my bank account more money because the
11 funds were short, and we gave it to Tareq. So we
12 transferred him.

13 Q. Why would you take money from your account?

14 A. Because they pay me back.

15 11:31 Q. Who?

16 A. Tamer and his brother.

17 Q. You were lending him money?

18 A. Yes.

19 Q. Okay.

20 11:31 A. It's because --

21 Q. Do you have any financial interest in this
22 lawsuit?

23 A. No.

24 Q. Did you lend money to the plaintiff in this
25 11:31 lawsuit?

1 11:31 A. I didn't lend. I arrange the money, and I was
2 paid back right away.

3 Q. Okay.

4 A. Yeah.

5 11:31 Q. And on the 24th, you transferred some money
6 from your account?

7 A. I didn't transfer the money. I withdrew the
8 cash and gave it to Tareq.

9 Q. Tareq?

10 11:31 A. Yes.

11 Q. And then what else did you do on the 24th?

12 A. 24th, well, we had -- we had another rehearsal
13 at night.

14 Q. For what?

15 11:31 A. For the filming of "Welcome to the Life."

16 And --

17 Q. What is Tareq's role in "Welcome to the Life"?

18 A. Okay.

19 Tareq was originally the director, okay. And he

20 11:31 was also the producer for the song. When I say
21 "producer," I mean executive producer. So he arranges
22 for the logistics. And together, he's the one that
23 arranged that deal. So he was --

24 Q. What deal are you talking about?

25 11:32 A. "Welcome to the Life."

1 11:32 Q. Okay.

2 A. So he was the one that negotiated with Akon all
3 the money. And he was the one that took the money from
4 Hossam, Tamer's brother, and gave it to Akon.

5 11:32 Q. Does his name appear on the credits in the
6 movie "Welcome to the Life"?

7 A. Yeah.

8 Q. As what?

9 A. Special thanks.

10 11:32 Q. Special thanks.
11 Why not executive producer, as you said his role
12 was?

13 A. Because I think it changed later. It changed
14 because the whole video got changed.

15 11:32 Q. Why?

16 A. I don't know why, I don't.

17 MS. EWING: And I'm just going to object because
18 I'm not sure --

19 THE REPORTER: One at a time.

20 11:32 THE WITNESS: What I -- My knowledge is that he was
21 supposed to be the director, and he was arranging for
22 the production logistics.

23 MR. JERISAT:

24 Q. Okay.

25 11:32 A. What else happened after that, I don't know.

1 11:32 Q. Okay.

2 Your knowledge about Tareq's role in "Welcome to
3 the Life" is he simply arranged things to happen?

4 A. No, I know that he arranged the deal.

5 11:33 Q. Right.

6 A. He was the middleman, and he was acting as a --
7 apparently, to me, as an agent on behalf of Akon.

8 Q. Right.

9 That's a legal conclusion, so --

10 11:33 A. I'm not making a legal. I'm saying --

11 Q. Based on --

12 A. -- on my conclusion.

13 Q. But did he produce the movie?

14 A. No.

15 11:33 Q. Okay.

16 He was not producer, he was a middleman --

17 A. No, no.

18 Q. Let me finish.

19 A. I did not understand the question. I want to

20 11:33 make sure.

21 Q. Did he produce the movie?

22 A. I don't know what producer means, because
23 producer in the entertainment --

24 THE REPORTER: One at a time.

25 11:33 THE WITNESS: Producer in the entertainment means

1 11:33 few things. Might mean somebody that is funding that
2 project or somebody that is just arranging for the
3 logistics --

4 MR. JERISAT:

5 11:33 Q. Right.

6 A. -- that can be the producer.

7 Q. I'm asking you, did he produce the movie as a
8 movie producer? Is he the one that shot the movie?

9 MS. EWING: Object to form.

10 11:34 THE WITNESS: I don't know. I know there was
11 another director too.

12 MR. JERISAT:

13 Q. Okay.

14 What's the name of that director?

15 11:34 A. Yasser Sami.

16 Q. Okay.

17 So Tareq was not the movie producer who shot the
18 movie?

19 A. No. He filmed it, of course. He filmed all
20 11:34 the scenes in Atlanta.

21 Q. Tareq?

22 A. Yes.

23 Q. And yet his name is not anywhere --

24 A. No, it is.

25 11:34 Q. As a movie producer?

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1 11:34 A. I don't know what a producer means in your
2 definition.

3 Q. His name is not on the credits as any producer?

4 A. I don't know what is the definition of a

5 11:34 producer for you, and I don't know --

6 Q. His name on the movie -- on the credit line is
7 "Special thanks to Tareq"?

8 A. I don't know. I don't know.

9 MS. EWING: And I'm just going to object again to
10 11:34 the extent it's not relevant.

11 THE WITNESS: I don't know.

12 MR. JERISAT:

13 Q. Okay.

14 You don't know?

15 11:34 A. No. But I know that he was the one that
16 arranged all the logistics. I know that he's the one
17 that filmed that -- these shots in Atlanta.

18 Q. All right.

19 A. And there's no doubt about that. We have all
20 11:35 the videos. All the announcements were saying so too.

21 Q. Doubts about what?

22 A. That he filmed these scenes in Atlanta.

23 Q. Yet his name is not anywhere?

24 A. That's a conclusion. It's not based on me.

25 11:35 Q. I'm asking you.

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1 11:35 A. I don't know why.

2 Q. You saw the movie?

3 A. Yes.

4 Q. Does his name appear anywhere except "Special
5 11:35 thanks to Tareq"?

6 THE REPORTER: One at a time.

7 THE WITNESS: I think the announcements do, when
8 the announcements were made.

9 MR. JERISAT:

10 11:35 Q. That what? What's the announcements?

11 A. The announcement that they made original that
12 it's going to be directed by Tareq Freitekh.

13 Q. Right.

14 The original one?

15 11:35 A. The announcements.

16 Q. But as the movie was shot?

17 A. What I saw is that I saw his name on it. I
18 can't recall now what his name showed up --

19 Q. Showed up --

20 11:35 A. -- as.

21 Q. Okay.

22 If you assume what I told you is true, that's only
23 "Special thanks to Tareq"?

24 A. I don't know if it was special thanks. This is
25 11:35 what I am telling you.

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1 11:35 Q. Assuming what I'm telling you is true --
2 A. Yeah.
3 Q. -- does that fit with his role?
4 A. I don't know --
5 11:36 MS. EWING: Object to form.
6 THE WITNESS: I don't know why they put it this
7 way.
8 MR. JERISAT:
9 Q. You don't know. Okay.
10 11:36 And you said that the movie producer's name is
11 Samir what?
12 A. He's not producer. He's the director.
13 Q. Is what?
14 A. Yasser Sami, Y-a-s-s-e-r and S-a-m-i. That's
15 11:36 the --
16 Q. Where does he live?
17 A. In Egypt.
18 Q. Oh, he lives in Egypt?
19 A. Yeah.
20 11:36 Q. Okay.
21 Does he come to the U.S.?
22 A. I don't know.
23 Q. Do you have his address in Egypt?
24 A. No.
25 11:36 Q. Do you have a way to communicate with him?

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1 11:36 A. No.

2 Q. Okay.

3 Let me ask you about -- Did you -- Did you travel
4 to Egypt lately?

5 11:36 A. Oh, yeah.

6 Q. Okay.

7 And was there any phone call to Tareq or his
8 business partner from Egypt?

9 A. When -- While I was in Egypt? Recently, no.

10 11:37 The only communication was between me and his business
11 partner --

12 Q. Okay.

13 A. -- and that wasn't from Egypt.

14 Q. Okay.

15 11:37 When was the last communication between you and his
16 business partner?

17 MS. EWING: I'm going to object as being beyond the
18 scope.

19 THE WITNESS: I can't remember.

20 11:37 MR. JERISAT:

21 Q. Okay.

22 Did you or the plaintiff ask him for a payment of
23 300,000 -- 360,000?

24 MS. EWING: Again, objecting to beyond the scope.

25 11:37 THE WITNESS: That wasn't his business partner.

1 11:37 Oh, I see where you're heading with that. Okay.

2 I'm sorry. Now I remember.

3 MR. JERISAT:

4 **Q. Go ahead.**

5 11:37 A. Okay.

6 So while we -- while me and Tamer were reporting --
7 were going to report that to the FBI --

8 **Q. Report what?**

9 A. Report that there's a -- there's
10 11:38 inconsistencies between the documents that we have
11 received and Akon's bank account. Okay.

12 And while we were in the parking lot, Tamer was
13 really hesitant. He ask me what the consequences would
14 be, and I said, "This might be a criminal action, okay.

15 11:38 If these documents were proved that it's going to be
16 forged or they are forged, then it's going to be a
17 criminal action."

18 He said, "Is he going to go to jail?"

19 **Q. Who's "he"?**

20 11:38 A. Tareq.

21 **Q. Tareq.**

22 A. "Can Tareq go to jail?"

23 I said, "Probably."

24 So what Tamer did is that he called his business
25 11:38 partner, and he said, "If Tareq paid me my money back,

1 11:38 okay, and I will not take any action."

2 Q. Action meaning what?

3 A. Action means reporting him to the FBI, if he
4 got his money back.

5 11:38 Q. Okay.

6 So the plaintiff -- Did you make that statement, or
7 did the plaintiff make that --

8 A. No, the plaintiff. I was not involved with
9 that, but I was there.

10 11:39 Q. Were you sitting next to him?

11 A. Yes. Well, not the whole time because I left.
12 Because Tamer didn't have his passport, so I left to go
13 inside the office. And inside the office, you don't
14 take any phones.

15 11:39 So what exactly he said, I -- what I told you is
16 what I heard, okay, is that he was concerned that Tareq
17 is going to serve time. And he really thought that he
18 doesn't want to destroy his future, so he said that if I
19 called him, and I was against this idea.

20 11:39 "Let me try to call his business partner and tell
21 him that we need to settle that. If he agreed to this,
22 I will do it."

23 Then I left and I went inside the FBI.

24 Q. You went inside what?

25 11:39 A. The FBI. I was in the FBI office.

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1 11:39 Q. Wait. I thought you were in Egypt.

2 A. No. Tamer is here, how we go to FBI together.

3 Q. So that phone call was made from here?

4 A. From here. We were in the U.S. That's what I

5 11:40 witness with Tamer, but it was not me.

6 Q. Where in the U.S. was the plaintiff?

7 A. Miami. We were in the Miami FBI office.

8 Q. And you made the phone call?

9 A. Not me. I did not make any phone calls.

10 11:40 Q. But plaintiff made the phone call from the
11 parking lot --

12 A. Yes.

13 Q. -- to Tareq?

14 A. Tareq, what he told me -- this person, I never

15 11:40 knew this person, but what he told me about this person
16 is that he is the manager for him in Egypt.

17 So he said, "Let me try to work things out because
18 I really" -- "I'm afraid that Tareq's future is going to
19 be destroyed."

20 11:40 Q. And what did he tell him?

21 A. I don't know. I wasn't -- I wasn't -- I was
22 inside.

23 MS. EWING: I'm just going to continue my
24 objection.

25 11:40 MR. JERISAT: Right.

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1 11:40 THE WITNESS: I'm trying to cooperate with you
2 because this is true statement if you want to learn what
3 happened in the discussion between them through that --

4 MR. JERISAT:

5 11:40 Q. But you're confirming that the plaintiff asked
6 Tareq to pay him 360,000?

7 A. Not Tareq.

8 Q. His business partner?

9 A. Yeah. And I don't know how much the money was.

10 11:41 Q. He asked him, pay him money or he would report
11 him to the authorities?

12 MS. EWING: I'm going to object to form.

13 MR. JERISAT:

14 Q. Right?

15 11:41 A. Yes.

16 Q. In other words --

17 A. No, to settle what he asked in front of me is
18 that he offered a settlement.

19 He said, "If I got my money back plus the damages,
20 11:41 we're going to close this case, and we're going to put
21 it behind us," because the reason --

22 Q. "Or I will report you to the authorities"?

23 A. No, not because of that. Because we have a
24 current lawsuit between us and Tareq, right, and this
25 11:41 was not threatened towards that authorities. The reason

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1 11:41 why he made that statement was to give Tareq a last
2 chance because he was afraid that it's going -- he's
3 going to go to jail.

4 **Q. Uh-huh. In other words --**

5 11:41 A. And someone -- I think someone advised him --
6 advised him -- I was not involved in this advice --

7 **Q. Right.**

8 A. -- but someone advised him that this is fine,
9 absolutely fine. Like even if he didn't report him or
10 11:42 he ask it for to get his money back because what he
11 believes this was for.

12 **Q. Someone told him -- advise him this is not**
13 **extortion?**

14 A. Yes, that it's okay because we're not
15 11:42 threatening.

16 I think what he said is that "Let us close this
17 case and put it behind us."

18 **Q. "Or I will" -- If not, then he will report him**
19 **to the FBI?**

20 11:42 A. No, no, no. It wasn't the option.

21 He said -- I don't know exactly what he said, quite
22 honestly. I wasn't there. But I think -- my
23 understanding is he made it -- he made it clear that he
24 wants to close this case.

25 11:42 I think what he was trying to do is that to say, "I

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1 11:42 don't want to take any further actions. I just want to
2 settle this. I don't want your future to be destroyed
3 or his future to be destroyed after this conversation."
4 The details of what happened, I wasn't involved.

5 11:42 Q. Right.

6 And then because he did not accept that, he went to
7 the FBI?

8 A. No, no.

9 By the way, because he did not accept it, I was the
10 11:43 one that walked in.

11 Q. You walked in to the FBI?

12 A. Yeah. There was no rejection, by the way, to
13 the offer, and Tamer did not go to the FBI.

14 Q. You're the one that went?

15 11:43 A. Yes.

16 Q. Did you make a statement, did you give it to
17 your lawyer?

18 Do you have a copy of your statement to the FBI?

19 A. No.

20 11:43 Q. You just walked in to the FBI just like that?

21 A. Yeah, you can.

22 MR. JERISAT: Okay.

23 Counsel, I think it's relevant. Don't you think
24 it's relevant?

25 11:43 MS. EWING: I don't know how that's relevant to

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1 11:43 jurisdiction over Freitekh.

2 MR. JERISAT: I agree with that statement --

3 MS. EWING: Okay.

4 MR. JERISAT: -- but do you think it's not relevant

5 11:43 to any issues in this lawsuit, specifically what -- it

6 seems to me the witness went to the FBI to make a

7 statement. I think that's relevant.

8 THE WITNESS: I did not make a statement. I

9 presented documents.

10 11:43 MS. EWING: Hold on. Let's just settle this

11 between the attorneys first.

12 This is not something that -- We're not involved

13 with him in this issue with the FBI. This is not

14 something that was coordinated by our office. He's not

15 11:43 our client as far as going and reporting this to the

16 FBI.

17 It may be relevant to some of the issues

18 involving -- We've talked about the receipts and some of

19 the documents that are in this case. I do not believe

20 11:44 it's in the scope of the issues about jurisdictional,

21 you know, discovery that we're here for.

22 MR. JERISAT: I agree with that, but we'll have a

23 second conversation off record.

24 MS. EWING: Sure.

25 11:44 THE WITNESS: Absolutely.

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1 11:44 MS. EWING: So we can talk about that separately.

2 I don't think it has any impact on today.

3 MR. JERISAT: I got you. Okay.

4 Let me take a five-minute break.

5 11:44 MS. EWING: Okay.

6 (A recess is taken.)

7 MR. JERISAT:

8 Q. Let me ask you, you testified that Tareq was --
9 in your form was an agent to Akon?

10 11:49 A. In my form?

11 Q. In your -- In your testimony today, you
12 testified that you believed Tareq was an agent, right,
13 and that you did view the discovery responses by the
14 plaintiff; correct?

15 11:50 MS. EWING: Object. This is what I objected to
16 earlier as being vague because, you know, if you have
17 some documents here you want to show him, but discovery
18 responses can mean a lot of things to someone who's not
19 a lawyer.

20 11:50 MR. JERISAT: Right.

21 Q. Are you aware that the plaintiff response to
22 Akon's first interrogatories?

23 MS. EWING: Object to form.

24 THE WITNESS: First what?

25 11:50 MR. JERISAT:

1 11:50 Q. First interrogatories.

2 A. What's that?

3 Q. Okay.

4 Interrogatory number 6, I'm going to read that to
5 11:50 you, "Please identify each contract, arrangement, and/or
6 agreement which you believe suggests Tareq is or was
7 authorized to act as an agent or representative of the
8 defendant."

9 You're aware of this question?

10 11:50 A. Are you saying that I answered this question?

11 Q. The plaintiff.

12 A. I don't know.

13 Q. Okay. All right.

14 "The plaintiff response, "Reserving the right to
15 11:51 supplement this response on subject to and without
16 waiving the above-stated objections. The plaintiff
17 responds that he is still in the process of gathering
18 information and will provide defendant with information
19 responsive to this request."

20 11:51 A. And defendant meaning Akon?

21 Q. Akon and Tareq.

22 A. Okay.

23 Q. Did you discuss what you think is the agency
24 with anyone or lawyer? Did you tell anybody about the
25 11:51 agency?

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1 11:51 MS. EWING: I'm going to object to the extent --
2 THE WITNESS: I don't know. I don't know exactly
3 your question.
4 MS. EWING: You need to --
5 11:51 THE WITNESS: Oh, I'm sorry.
6 MS. EWING: Don't talk if I talk.
7 MR. JERISAT: Wait for your lawyer to object.
8 MS. EWING: I'm just going to object to the extent
9 you're asking him to talk about conversations with
10 11:51 attorneys and legal issues.
11 MR. JERISAT: Sure.
12 **Q. I'm only asking you about the plaintiff stated**
13 **they don't have any evidence.**
14 A. That's the plaintiff. I don't know what he
15 11:51 said. I didn't --
16 **Q. Right.**
17 **Did you communicate to anybody, not your lawyer,**
18 **any form that Tareq act as an agent?**
19 MS. EWING: I'm still going to object to form to
20 11:52 the extent we're talking about a legal issue.
21 THE WITNESS: I don't remember.
22 MR. JERISAT:
23 **Q. Okay. All right.**
24 **We'll move to another topic.**
25 11:52 A. Sure.

1 11:52 Q. You testified that -- that there was \$100,000
2 paid during this transmission?

3 A. Yeah.

4 Q. Okay.

5 11:52 A. Number 17?

6 Q. Right.

7 Where did that money come from?

8 A. That was arranged on behalf of Tamer.

9 Q. Arranged on behalf of Tamer, of the plaintiff?

10 11:52 A. Of the plaintiff, yes.

11 Q. How and who?

12 A. This financing agreement or the -- the funding
13 agreement by second person for that. So the money for
14 the sake of practicability.

15 11:52 Q. So you're telling me someone else lent the
16 money to the plaintiff?

17 A. It's not lend. It's --

18 MS. EWING: I'm going to object to form to the
19 extent that this is beyond the scope of jurisdictional

20 11:53 discovery unless you're going to ask him if this
21 happened in Georgia.

22 MR. JERISAT: Right.

23 Q. Did that --

24 A. Is that your question?

25 11:53 Q. Yeah.

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1 11:53 A. The receipt that we have shows that it was
2 deposited in a Georgia bank account. Okay.

3 I believe personally that that happened in
4 California, or this is what I was told. Okay.

5 11:53 All the records that I've received shows that the
6 money and the communication between me and Tareq was
7 physically based on the tickets that I reserved and
8 everything for him that he was physically in California.

9 Q. Okay.

10 11:53 So that money was not -- has nothing to do with
11 Georgia?

12 MS. EWING: Object to form.

13 THE WITNESS: It's deposited in the Georgia bank
14 account.

15 11:53 MR. JERISAT:

16 Q. Right.

17 But it -- Did it come from Tareq or someone else in
18 Georgia?

19 A. From Tareq. It's not Tareq's money, if that's
20 11:54 your question.

21 Q. All right.

22 And it's coming from California --

23 A. California.

24 Q. -- to Georgia?

25 11:54 A. Yeah. From a person in California to Georgia.

1 11:54 Q. Who is financing the project?

2 A. Yes -- not the project. It was funding
3 50 percent of the project.

4 Q. Okay.

5 11:54 Funding meaning he's saying 150,000?

6 A. He's paying 200,000.

7 Q. 200,000?

8 A. 200,000.

9 Q. To Akon?

10 11:54 A. No, to Tamer. And Tamer has the right to
11 arrange it the way he wants. So the project budget was
12 \$400,000, 300- for the celebrities, for Akon and for
13 Pitbull. And then hundred thousand for the filming. So
14 50 percent of that is \$200,000.

15 11:54 Q. \$200,000 paid from California to Georgia
16 account?

17 A. To Georgia account, yes.

18 Q. Right.

19 And on behalf of the plaintiff?

20 11:55 A. Tamer.

21 Q. The plaintiff?

22 A. Yes.

23 Q. Right.

24 But in this lawsuit, you're asking the plaintiff

25 11:55 for 300,000, not for 400,000?

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1 11:55 MS. EWING: Object to form.

2 THE WITNESS: I'm asking -- I'm not asking.

3 Q. The plaintiff --

4 A. I think he's asking for all the damages too,
5 11:55 the 300-. And I think there was some language about the
6 filming as well. I think 100,000. Plus, I think it was
7 left open for other compensation too.

8 Q. Right.

9 So in terms of Georgia connections, the money --
10 11:55 half the money was transferred from California to Akon's
11 account in Georgia?

12 A. It wasn't transferred. It was -- Based on the
13 documents that we received, it was deposited --

14 Q. In --

15 11:55 A. -- in a Georgia bank account.

16 Q. In an account?

17 A. Yes.

18 Q. And the other money was deposited from North
19 Carolina or Miami or --

20 11:55 A. Or Georgia.

21 Q. Or Georgia?

22 A. Yes.

23 Q. Right.

24 In terms of Tareq's connections to when you saw him
25 11:56 on those three days --

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1 11:56 A. Uh-huh.

2 Q. -- you only saw him working on that movie,
3 which you said was "Welcome to the Life"; correct?

4 A. "Welcome to the Life" and negotiating also the
5 11:56 new project.

6 Q. Right.

7 And you said you paid him money?

8 A. Yes, I did.

9 Q. For what?

10 11:56 A. For "Welcome to the Life."

11 Q. What exactly is he supposed to do?

12 A. So in the previous arrangements, Tareq was
13 supposed to be the director, and he was getting paid for
14 that.

15 11:56 Q. Okay.

16 A. Okay. So all the music. That's to my
17 knowledge, because I wasn't involved with -- you know,
18 financially at that point.

19 Q. When you say "to my knowledge," you mean --

20 11:56 A. No, with the previous videos, "to my knowledge"
21 means I saw the budgets from other stuff.

22 Q. No, I want you to testify on what you know
23 personally, not what other people told you.

24 A. I know that this -- what I was told for this
25 11:56 10,000 to be transferred.

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1 11:56 Q. No, I'm not asking you about what you were
2 told. I'm asking about your own personal knowledge,
3 what you did, what you see.

4 A. I transferred the \$10,000 based on instructions
5 11:57 that this is a compensation for Tareq.

6 Q. For what?

7 A. I don't know. For "Welcome to the Life." I
8 know it's connected.

9 Q. Was that to be transferred to anyone else --

10 11:57 A. No --

11 Q. -- do you know?

12 A. -- I'm sure.

13 Q. How?

14 A. Because all the money was paid to Akon,
15 11:57 actually, before that. And one of the scenes that you
16 will see in the videos -- in the behind-the-scenes
17 video, and we actually deleted that, is that Tareq was
18 going back with the last 50,000 cash that he was given
19 to Akon in a yellow envelope in his house in Georgia,
20 11:57 and we had to delete that from the scene because it
21 looked odd.

22 Q. Okay.

23 50,000 cash --

24 A. Cash.

25 11:57 Q. -- to Akon?

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1 11:57 A. Yeah. But Tareq was holding the money.

2 Q. Why is Tareq giving \$50,000 cash to Akon?

3 A. Because that's his compensation, Akon's
4 compensation.

5 11:57 Q. So Tareq was transferring the money to Akon?

6 A. Giving him the money.

7 Q. To Akon?

8 A. Yes. In Georgia.

9 Q. Okay.

10 11:58 A. Yes. That was when -- I'll tell you exactly
11 when was the date. That was when they were in Akon's
12 house. I think it was the 22nd before they went to
13 Tuk Tuk.

14 Q. Okay.

15 11:58 Again, you're testifying about what you were told?

16 A. What I saw in the video.

17 Q. Remember, I'm asking about what you did see.

18 A. I did not. I wasn't there.

19 Q. Remember, you were there on the 23rd.

20 11:58 A. Now I understand your question.

21 MR. JERISAT: Please -- Let me move to strike that.

22 THE WITNESS: Sure.

23 MR. JERISAT:

24 Q. Let me ask you about your personal knowledge
25 11:58 about Tareq's connection to Georgia.

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1 11:58 A. Sure.

2 Q. Okay. All right.

3 Did you see Tareq receiving money in Georgia?

4 A. I did send him the money.

5 11:58 Q. Okay.

6 When?

7 A. On the 23rd.

8 Q. What time?

9 A. Before I leave to Georgia.

10 11:58 Q. From where did you send the money?

11 A. From my bank account.

12 Q. From where?

13 A. From Houston, Texas.

14 Q. From Houston, Texas?

15 11:58 A. Yes.

16 Q. Do you have a document that shows that?

17 A. Yes.

18 Q. Do you have it?

19 A. I don't have it now on me, but I can produce

20 11:59 it.

21 Q. Okay.

22 We need that document.

23 A. Sure. Absolutely. I have that transfer.

24 Q. When did you get to Georgia?

25 11:59 A. In the evening.

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1 11:59 Q. Approximately 10:00, 12:00?

2 A. No, no, not midnight. It was probably
3 around -- I don't know -- 8:00, 9:00 --

4 Q. Okay.

5 11:59 A. -- I think.

6 Q. And you don't know, what was this money for?

7 A. Which money?

8 Q. The one you allegedly transferred to Tareq.

9 A. No, no, I know because I was told that this is
10 11:59 for his compensation.

11 Q. Told. Okay.

12 A. Yeah. No, I was told means this is the
13 instructions, because this is not my money. Remember,
14 I'm just paying it on behalf of Tamer.

15 11:59 Q. Right, right.

16 And as you sat in Georgia from the 23rd and the
17 25th, what else did you see Tareq doing?

18 A. He was negotiating the new project with Akon.
19 Actually, that's on the filming day. I don't know if
20 11:59 the discussion was about that -- that project.

21 Q. When you say -- When you say "that project,"
22 you mean --

23 A. What is called later "Arabian Knight."

24 Q. Right.

25 12:00 But there was discussion, according to you, about

1 12:00 some project?

2 A. It is not some project. It was clear it was
3 going to be a trio between Akon, Tamer --

4 Q. Right.

5 12:00 A. -- and --

6 Q. But at that time, it did not have any name?

7 A. The project didn't have any name, yes.

8 Q. Right.

9 Because at that time, they were discussing it with

10 12:00 someone else, including Chris Brown and others.

11 A. No, it was clear it was Chris Brown.

12 Q. Chris Brown?

13 A. So the money --

14 Q. Right.

15 12:00 So when you testified in your affidavit that Tareq
16 was discussing the movie, the "Arabian Knight," that
17 "Arabian Knight" movie included Pitbull?

18 A. Correct.

19 Q. Did not include Chris Brown?

20 12:00 A. Correct.

21 MS. EWING: Object to form.

22 MR. JERISAT:

23 Q. Correct?

24 A. Correct.

25 12:00 Q. All right.

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1 12:00 So --

2 A. But I want -- For the record, it's the same
3 project.

4 Q. Well, we'll get to that, but -- we'll get to
5 12:00 that.

6 A. Sure.

7 Q. But let's say when in paragraph 6 and paragraph
8 7 you state that you were present during the start of
9 these negotiations --

10 12:01 A. Correct.

11 Q. -- those alleged negotiations included
12 Chris Brown?

13 A. It was for Chris Brown.

14 Q. Chris Brown?

15 12:01 A. Yes.

16 Q. And at that time, the project has no name?

17 A. No.

18 Q. Okay.

19 The project came to be known as "Arabian Knight" in
20 12:01 when?

21 A. To be called "Arabian Knight"? Probably
22 sometime in April.

23 Q. Or May?

24 A. Or May.

25 12:01 Q. Okay.

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1 12:01 A. But I think it was end of April. I think.

2 Q. Okay.

3 At that time --

4 A. There was an announcement, by the way, that was
5 12:01 made at that time by the celebrities, but I can't
6 remember the exact date.

7 Q. Right.

8 And at that time, it would have included Pitbull?

9 A. Which is the same project.

10 12:01 Q. Right.

11 But not Chris Brown, Pitbull?

12 A. It's Pitbull, yes.

13 Q. Right.

14 And so "Arabian Knight" was now known to include
15 12:01 the trio Akon, the plaintiff, and Pitbull?

16 A. Correct.

17 Q. All right.

18 Before that, the project -- or this was
19 including -- this was a party that included Chris Brown
20 12:02 with the plaintiff and Akon?

21 A. I did not understand the question.

22 Q. Okay.

23 So before May 2013 --

24 A. Uh-huh.

25 12:02 Q. -- or the end of April 2013, there was some

1 12:02 discussion that you're telling us that included a
2 project between Akon --

3 A. No, that's not --

4 Q. -- let me finish -- Akon, the plaintiff, and
5 12:02 Chris Brown?

6 A. No. So in February, not in April.

7 Q. Okay.

8 A. In February 2013.

9 Q. Okay.

10 12:02 A. Up 'til March something, probably one day or
11 two days before the execution of this agreement, the
12 signature of this agreement --

13 Q. Okay.

14 A. -- what Tareq sent me was for Chris Brown.

15 12:02 That's the contract that Tareq has drafted was for
16 Chris Brown.

17 Q. That's not my question.

18 My question is, before May 2013 --

19 A. It was Chris Brown.

20 12:02 Q. -- before Chris Brown, right, and it did not
21 have any name, the trio?

22 A. No. Before May, it was -- Before May, it was
23 Pitbull. It was Pitbull.

24 Q. Before May?

25 12:03 A. Yeah. Because --

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1 12:03 Q. When?

2 A. Pitbull was in the contract in March.

3 Q. When?

4 A. March. Around early March.

5 12:03 Q. But you just told us that the project came to
6 be known as the "Arabian Knight."

7 A. No, no. I said Pitbull came on board in March.

8 Q. Right.

9 But the project, the "Arabian," came to be known --

10 12:03 A. Yes, selecting the name.

11 Q. -- came to be known as "Arabian Knight" came
12 around the end of April or May --

13 A. Correct.

14 Q. -- right?

15 12:03 A. Yeah.

16 Q. So when you state in your affidavit that on
17 January 23rd, they solicited the plaintiff and a second
18 collaboration --

19 A. Which I said which later became known as

20 12:03 "Arabian Knight".

21 Q. On January 22?

22 A. No, no, no. I did not say here on January 22.

23 My wording is clear, I said which later become known as
24 "Arabian Knight."

25 12:04 Q. Right.

1 12:04 A. And then comma, which is a new phrase --

2 Q. Okay.

3 A. -- specifically on January 22nd, I -- at
4 Tuk-Tuk restaurant in Atlanta, this is when negotiation
5 12:04 started.

6 Q. Of what?

7 A. Of "Arabian Knight," a project that was called
8 later "Arabian Knight."

9 Q. Right.

10 12:04 But at that time, it included Chris Brown --

11 A. Correct.

12 Q. -- right?

13 A. Yes.

14 Q. So your statement is not -- here is not

15 12:04 accurate --

16 A. It is accurate to my knowledge. This is a
17 judgment that you're making.

18 Q. Okay.

19 Let me finish my question.

20 12:04 A. Sure.

21 Q. You state that when you were in Georgia, there
22 was some discussion about a collaboration with
23 Chris Brown; correct?

24 A. Correct, with a project.

25 12:04 Q. Right, correct.

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1 12:04 A. Yeah.

2 Q. And then that project at that time did not have
3 any name; correct?

4 A. It didn't carry a name.

5 12:04 Q. Right.

6 A. Yes.

7 Q. Right. Okay.

8 Now, and then that project came to be known as
9 "Arabian Knight" sometime end of April or May; correct?

10 12:04 A. Uh-huh.

11 Q. At that time, this was not Chris Brown, it was
12 Pitbull and the plaintiff and Akon; correct?

13 A. May I take a second to look at something --

14 Q. Yeah.

15 12:05 A. -- just to verify one thing?

16 Q. What are you looking at, can you tell us?

17 A. The contract. I'm looking at the contract
18 because I don't know -- I want to make sure before I
19 make a final statement is that the "Arabian Knight" was
20 12:05 in April or in May. Yeah, I think so.

21 Q. Correct.

22 A. I think so, yes.

23 Q. All right.

24 So as you sit here, we have at least two projects,
25 12:05 one in or about January up until May which involved

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1 12:05 Chris Brown, the plaintiff, and Akon?

2 A. Uh-huh.

3 Q. Sometime later on, we have a project with a
4 name "Arabian Knight" which involved Pitbull, Akon, and
5 12:06 the plaintiff?

6 A. I disagree.

7 MS. EWING: Object to form because you
8 mischaracterized his testimony.

9 THE WITNESS: I disagree.

10 12:06 MR. JERISAT:

11 Q. What do you disagree with?

12 A. I disagree. You called it two projects. It's
13 one project.

14 Q. Forget if it is one or two.

15 12:06 A. It is not two.

16 Q. Okay.

17 We have a project from January until April that
18 included Chris Brown --

19 A. No.

20 12:06 Q. Let me --

21 A. It was from January until April.

22 Q. Please do not interrupt me. Remember?

23 A. Sure.

24 Q. -- including Chris Brown, Akon, and the
25 12:06 plaintiff, that project -- that collaboration had no

1 12:06 name?

2 A. No, your statement is wrong.

3 Q. Okay.

4 Go ahead.

5 12:06 A. Okay.

6 So Chris Brown dropped in March. That's when we
7 drafted this agreement.

8 Q. Okay.

9 A. Because the agreement was in March, and we

10 12:06 selected Pitbull at that time --

11 Q. Right.

12 A. -- because Chris Brown was no longer available.

13 Q. Okay.

14 Now --

15 12:07 A. So it's not until April. It's until March --
16 beginning of March when we knew. So the original
17 agreement was to bring Chris Brown. Up 'til we got
18 the -- And we -- We made the deposits, by the way, so we
19 paid for that project. Okay?

20 12:07 Q. What project?

21 A. The "Arabian Knight" project, what called --
22 got called after "Arabian Knight." So the agreement
23 that was in Georgia was for that particular project.

24 Q. Let me ask you this. So you're telling me now

25 12:07 that from January up until March, including March, there

1 12:07 was a collaboration between Chris Brown, Akon, and the
2 plaintiff?

3 A. Correct.

4 Q. At that time, the project had no name?

5 12:07 A. Correct.

6 Q. Where was this project supposed to be shot?

7 A. In -- I think they were giving two options,
8 either Miami or California.

9 And for the record, it's very common that they can
10 12:07 change the location after.

11 Q. I understand.

12 A. Yeah.

13 Q. And who was supposed to shoot that video?

14 A. Tareq.

15 12:08 Q. Okay.

16 Now, after -- you say after March, now we have a
17 project that includes Akon, Pitbull, and the plaintiff
18 and with a name the "Arabian Knight"?

19 A. No. If we looked at the agreement, the
20 12:08 agreement did not have a name for the project. That's
21 why.

22 Q. I'm not asking you about the agreement. I'm
23 asking you about the sequence of events.

24 A. Right.

25 12:08 But it's not two projects. It's the same project.

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1 12:08 Q. We'll leave that aside.

2 A. Sure.

3 Q. We'll let the jury decide.

4 A. Sure.

5 12:08 Q. My question is, after March, we have a
6 collaboration or a project which includes Akon, the
7 plaintiff, and Pitbull; correct?

8 A. That was a modification. A modification.

9 Q. I'm not asking you to characterize it.

10 12:08 I'm asking you, it's a fact, did that project
11 include Pitbull, Akon, and plaintiff?

12 A. Correct, correct.

13 Q. And that project now has a name which is the
14 "Arabian Knight"?

15 12:09 A. Later on.

16 Q. When later on?

17 A. Later on in April or in May. So when we signed
18 this agreement --

19 Q. Right.

20 12:09 A. -- there was no name too.

21 Q. Right.

22 We're saying the same thing. We're saying the
23 project or a project by that name, the "Arabian Knight,"
24 the "Arabian Knight" project was born in end of April or

25 12:09 May?

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1 12:09 A. No.

2 MS. EWING: Object to form.

3 THE WITNESS: January.

4 MR. JERISAT:

5 12:09 Q. Well, in January, there was no "Arabian
6 Knight"?

7 A. There was no name, but it's the same project.

8 Q. Right.

9 Well, let's --

10 12:09 A. I want to be clear about that.

11 Q. We want to be clear for the record.

12 A. Yeah.

13 Q. That "Arabian Knight" project was supposed to
14 be shot where?

15 12:09 A. Either in California or in Miami.

16 Q. The "Arabian Knight"?

17 A. Yeah.

18 Q. Okay.

19 And that involves the first project that involved

20 12:09 Chris Brown and Akon and the plaintiff.

21 What is the theme of that project?

22 MS. EWING: Object to form to the extent you're
23 mischaracterizing the testimony --

24 THE WITNESS: When you say "the theme" --

25 12:09 MR. JERISAT:

1 12:09 Q. What is the project about?

2 MS. EWING: Object to form because you're --

3 THE REPORTER: One at a time.

4 MS. EWING: Object to form because he's

5 12:10 mischaracterizing the --

6 MR. JERISAT: I understand that.

7 THE WITNESS: That's true.

8 THE REPORTER: Hold on a second. You got to let

9 her finish because I can't take you both down at the

10 12:10 same time.

11 MS. EWING: Object to form as he is
12 mischaracterizing the witness' testimony.

13 MR. JERISAT: Okay.

14 THE WITNESS: Okay.

15 12:10 MR. JERISAT:

16 Q. So my question to you is, the project that
17 included Chris Brown and Akon and the plaintiff, what is
18 the project about other than collaboration?

19 Is there any theme to it? What is it about?

20 12:10 A. You mean the music video?

21 Q. Yeah.

22 What is it about?

23 A. I don't know all these details.

24 Q. Was it about knights?

25 12:10 A. The selection of the subject of the video

1 12:10 happens after the selection of the lyrics.

2 Q. Okay.

3 Were there any lyrics for that?

4 A. At that time, there was none --

5 12:10 Q. Okay.

6 A. -- to my knowledge.

7 Q. Okay.

8 And --

9 A. But there was -- there was -- there was

10 12:11 music -- what do you call it? The -- I'm sorry. What
11 is it called? The tracks.

12 There were two tracks that were recommended for
13 this video at that time when we were in Georgia.

14 Q. Okay.

15 12:11 Which are?

16 A. I don't know. I can't remember.

17 Q. Okay.

18 Who recommended those?

19 A. Akon had three for "Welcome to the Life."

20 12:11 Okay. That's to my knowledge.

21 One of them got selected for "Welcome to the Life"
22 and those two tracks were the potential tracks for
23 this -- the potential -- but I think it ended up not
24 being that track.

25 12:11 Q. Okay.

1 12:11 Any idea, where can we find those tracks? Who
2 knows about these tracks?

3 A. Tamer might have a copy because Tamer received
4 these three.

5 12:11 Q. Okay.

6 A. So he selected one. He might. I'm not sure.

7 Q. What you're telling us here is that from
8 January until April, we had -- there were some tracks
9 suggested --

10 12:11 A. Uh-huh.

11 Q. -- and they were a collaboration with
12 Chris Brown, and then later on we have different tracks
13 with Pitbull and the plaintiff; correct?

14 MS. EWING: Object to the form, to the extent
15 12:12 you're trying to characterize.

16 MR. JERISAT: I'm not characterizing. I'm just
17 saying what he's saying.

18 THE WITNESS: No, no. What I said is every time
19 you have a music collaboration between anybody, there is
20 12:12 suggestions and the final comes up different.

21 MR. JERISAT:

22 Q. That's not my question.

23 A. Yeah.

24 Q. My question is specific, so please listen to my
25 12:12 question.

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1 12:12 The tracks that were recommended in January are no
2 longer the tracks that were used for --

3 A. No.

4 Q. -- the "Arabian Knight"?

5 12:12 A. No.

6 Q. Okay.

7 And so that's exactly my question, and so now you
8 have from --

9 A. To my knowledge.

10 12:12 Q. Right.

11 And so from January to May, what, you have
12 different tracks --

13 A. I don't know.

14 Q. Let me finish.

15 12:12 A. I don't know about that. That's what I want to
16 make clear.

17 Q. Listen.

18 A. Sure.

19 Q. You have different tracks, and you have

20 12:12 different people involved in the trio; correct?

21 A. Not different people.

22 Q. Well, you have Chris Brown, who's no longer in
23 the project, and now you have Pitbull?

24 A. Okay.

25 12:13 Am I allowed to explain or --

1 12:13 Q. Yes or no, is Chris Brown the same as Pitbull?

2 A. No. Same level, same popularity.

3 Q. I understand.

4 But Chris Brown is not Pitbull.

5 12:13 A. I know.

6 Q. Right.

7 And so you agree with me that from January to

8 April, we have certain tracks that involved --

9 A. Not true.

10 12:13 Q. -- let me just finish, please -- we have
11 certain tracks that involve Chris Brown, Akon, and the
12 plaintiff with no name; correct?

13 A. No.

14 Q. No. Why? What's wrong?

15 12:13 A. Because from January 'til March, that's the two
16 distinction that we have to draw the line from.

17 Q. Okay.

18 A. From January to March and then from March to
19 the filming day.

20 12:13 Q. Okay.

21 From January to March we have --

22 A. Yeah, recommended tracks doesn't mean that this
23 is what is going to be done.

24 Q. I understand that.

25 12:13 A. Yeah.

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1 12:13 Q. I understand that.

2 A. There was no lyrics, there was no --

3 Q. I understand that. That's not my question.

4 My question is, from January until March, there

5 12:14 were recommended tracks, no lyrics, a project that

6 involved Chris Brown, Akon, and the plaintiff --

7 A. Correct.

8 Q. -- correct? Okay.

9 With no name?

10 12:14 A. Yes.

11 Q. All right.

12 From April or March until later on, now we have a
13 collaboration that involved other tracks and Pitbull and
14 a new name, the "Arabian Knight"; correct?

15 12:14 A. Having a new replacement performer. I'm just
16 characterizing exactly what happened.

17 Q. I'm not asking you to characterize. I'm asking
18 you to say "yes" or "no."

19 A. I don't know.

20 12:14 MS. EWING: I think you need to let him answer.

21 THE WITNESS: I don't know your question. I need
22 you to explain it.

23 MR. JERISAT:

24 Q. From January until March, there were

25 12:14 recommended tracks?

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1 12:14 A. That's what I heard.

2 Q. Okay.

3 And from March and on there were different tracks?

4 A. Not different tracks. There was a track.

5 12:14 Q. Not the same?

6 A. And it was not from March until another date.

7 It was a specific time when Akon sent the track.

8 Q. Okay.

9 But let's be clear here.

10 12:15 A. Sure.

11 Q. The tracks that want -- or used or will be used
12 from March and on is different than the tracks
13 recommended in January?

14 A. No.

15 12:15 Q. No?

16 A. No.

17 Q. Why?

18 A. The tracks in January, they were just
19 suggestions. There was no one that accepted these
20 12:15 tracks.

21 Q. I understand that.

22 But what I'm saying to you, the ones that are
23 suggested in January are not the same used or suggested
24 in March --

25 12:15 A. Correct.

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1 12:15 Q. -- correct?

2 A. Correct.

3 Q. And from --

4 A. From my hearing, because I did not -- I did not
5 12:15 receive these tracks.

6 Q. I understand that. We're asking you about your
7 knowledge.

8 A. Sure.

9 Q. From January until March, we had Chris Brown,
10 12:15 the plaintiff, and Akon? Yes?

11 A. Yes.

12 Q. From March on, we have Pitbull and Akon and the
13 plaintiff --

14 A. Uh-huh.

15 12:15 Q. -- correct?

16 A. Correct.

17 Q. From January until March or maybe April, that
18 collaboration has no name; correct?

19 A. Uh-huh.

20 12:15 THE REPORTER: Is that a "yes"?

21 THE WITNESS: Yes. I'm sorry. Yes.

22 MR. JERISAT:

23 Q. Yes.

24 From April on, that project has the "Arabian

25 12:16 Knight" name, correct, yes or no?

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1 12:16 A. Probably, yes.

2 Q. Okay. That's my question. Okay.

3 In your -- Let me just go back.

4 To your knowledge about Tareq's connections to

5 12:16 Atlanta or Georgia, tell me, what are -- what is your
6 knowledge about Tareq's connection to Atlanta or Georgia
7 as you sit here?

8 A. I know, based on what he told us, that he's a
9 friend of Akon. That he and -- He clearly told us that
10 12:16 he filmed three commercials with Akon. And I think that
11 statement was made also to another person on that
12 engagement. And --

13 MR. JERISAT: I'm going to strike that as hearsay.

14 Q. I'm only asking you about your personal
15 12:16 knowledge.

16 A. Right. So he told me --

17 Q. Not what anybody told you.

18 A. Yeah. He told me -- Tareq told me that he
19 filmed three projects with Akon, three commercials --

20 12:17 Q. Okay.

21 A. -- that he's a friend of Akon.

22 And my knowledge --

23 Q. Please, please stop --

24 A. I haven't finished.

25 12:17 Q. -- because I don't think you're answering my

1 12:17 question.

2 I'm asking you about Tareq's connection to Georgia
3 or Atlanta --

4 A. I'm trying to finish.

5 12:17 Q. -- because Akon -- let me finish -- because
6 Akon lives in many places.

7 A. He doesn't.

8 Q. He has a house in L.A.

9 A. Okay.

10 12:17 Q. I'm asking you about Tareq's connection to
11 Atlanta or Georgia. Tell us based on what you know.

12 MS. EWING: I'm going to object to form because you
13 need to allow him to answer, and that's what he's trying
14 to do.

15 12:17 THE WITNESS: That's what I'm trying to do.

16 MR. JERISAT:

17 Q. So tell me about Tareq's connection to Atlanta
18 or Georgia, based on your personal knowledge.

19 A. He is a friend of Akon. He visited him many
20 12:17 times. What I have seen is that he was physically there
21 in Atlanta, Georgia. I have seen a lot of expenses that
22 I have paid on his behalf which shows that he was in
23 Atlanta, Georgia.

24 Q. What expenses have you paid on his behalf?

25 12:17 A. He was asking for money transfers for the

1 12:18 production. And, also, I --

2 Q. What production?

3 A. The production of the movie. So he was the
4 music video. So he was paying some of the expenses, and
5 12:18 he was asking for reimbursement. And so times he asked
6 for the money up front in order to pay for the
7 production.

8 Q. For "Arabian Knight"?

9 A. Not for "Arabian Knight." For "Welcome to the
10 12:18 Life."

11 Q. And you are going to have documents showing
12 that?

13 A. I have correspondence from him that he's asking
14 for money. All that started in --

15 12:18 Q. No, you're not answering my question.

16 A. Sure.

17 Q. You have documents to support your allegation?

18 A. About what?

19 Q. That you paid him money or he has --

20 12:18 A. Oh, yeah. That I paid him money, oh, yes.

21 Q. Do you have them now?

22 A. I have them -- Now, I don't have a printed
23 copy.

24 Q. Okay.

25 12:18 A. But I can provide this printed copy.

1 12:18 Q. You can?

2 A. Absolutely.

3 Q. What else do you know about his connections to
4 Atlanta, Georgia?

5 12:18 A. Are you going to allow me to finish?

6 Q. Well, I'm asking you to answer. Answer.

7 A. I know he has been to Atlanta. What I have
8 seen myself was that he was in Atlanta in -- in --
9 during the Christmastime because he was spending some

10 12:19 time with Akon. That was published on the Internet.

11 Q. When?

12 A. December 2012.

13 Q. Were you there?

14 A. I wasn't there. I saw the post.

15 12:19 Q. Okay.

16 Please listen to my question carefully. I'm not
17 asking you about what other --

18 THE REPORTER: One at a time.

19 MR. JERISAT:

20 12:19 Q. Please listen to my question carefully. I'm
21 asking you about your personal knowledge.

22 A. That's my personal knowledge. I saw the post.

23 MS. EWING: I'm sorry. He can answer if he
24 believes that he personally viewed --

25 12:19 THE WITNESS: I don't understand your question.

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1 12:19 MS. EWING: -- viewed items on the Internet.

2 MR. JERISAT:

3 Q. I'm asking you --

4 A. Do you mean physically there?

5 12:19 Q. I'm asking you about your personal knowledge
6 based on what you seen in Atlanta while you were there.

7 A. Okay.

8 Q. Not based on what anyone else said, but --
9 based on hearsay, based on Internet posts.

10 12:19 A. Sure.

11 Q. Anyone can post anything.

12 I'm asking you about your own personal knowledge
13 that you saw about Tareq's connection.

14 A. So when I was physically there?

15 12:20 Q. Your personal knowledge, physically seeing him.

16 A. Physically, I want to confirm that.

17 Q. Yeah.

18 A. Physically seeing him, he was -- on the 23rd,
19 he gave us the confirmation that the project is a go,
20 12:20 he -- and we need to arrange the money. We talked that
21 night that the money is not going to be available, so he
22 confirmed.

23 Q. I'm sorry to interrupt you. You're not
24 listening to my question.

25 12:20 A. I do.

1 12:20 Q. I'm asking you about his connection.

2 A. I do. This is in Geogria. This is on the 23rd
3 when I'm physically there.

4 Q. Go ahead.

5 12:20 A. So you're going to let me finish?

6 Q. Go ahead.

7 A. You promise.

8 When we were in Georgia on the night of the 23rd,
9 that's when he informed me that the project is a go and
10 12:20 got the approval from Akon, and we need to arrange the
11 money before the 15th. We clearly said that we don't
12 have the money now. So we need to look for another
13 source.

14 He promised that night that he's going to bring the
15 12:21 money from his dad, he's -- and we have, by the way,
16 correspondence that says that, text messages that he's
17 going to bring this money from his dad. Before the 15th
18 of the month, we have to make 50 percent of the money
19 that was requested, the 300,000.

20 12:21 Q. Okay.

21 A. That's the first night. Okay.

22 Second night --

23 Q. Who was present in these conversations?

24 A. Tamer Hosny was there. Hossam Hosny, who's the
25 12:21 brother of Tamer was there. Tamer Yehia was there too.

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1 12:21 Q. Those are all in Egypt?

2 A. No. Tamer is here.

3 Q. Oh, now he's here.

4 How long is he staying here?

5 12:21 A. I don't know.

6 Q. Okay.

7 A. Okay.

8 Q. But the rest are in Egypt?

9 A. No. The rest, actually, they're U.S. permanent

10 12:21 residents. Tamer --

11 Q. I'm asking about now are they in Egypt?

12 A. No, they are in the U.S.

13 Q. All of them?

14 A. Physically, yes.

15 12:21 Q. Okay.

16 A. Hossam is not in the U.S. now.

17 Q. And you'll give us their contact information?

18 A. Absolutely.

19 Q. Okay. All right.

20 12:22 Go ahead.

21 A. Okay.

22 Where we stop?

23 Q. We were talking about what you saw, his
24 connection to Atlanta.

25 12:22 A. Okay.

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1 12:22 I just -- I want to just clarify one thing. My
2 stream of thoughts gets interrupted.

3 So are you going to allow me to finish the
4 statement and then ask the questions?

5 12:22 **Q. If you answer my question correctly, yes.**

6 A. That's what I'm trying to do.

7 So I think we were there physically --

8 **Q. Yeah.**

9 A. -- these names that I just mentioned. And
10 12:22 we -- he confirmed that day that he's going to get the
11 money from his parents. And the money was arranged
12 based on documents that he provided me in few days. So
13 that was on the 23rd.

14 And I think the first receipt that he presented,
15 12:22 that was in February 8 and 9. And then I made two other
16 transfers of 50,000 each. That makes that deposit
17 before the 15th of the month so that deal is sealed.

18 **Q. Okay.**

19 A. So we had the verbal agreement, the oral
20 12:23 agreement that this is a go project --

21 **Q. Okay.**

22 A. -- with the finance to be provided before the
23 15th of the month. So if we complied with this, the
24 project will continue as promised. If we did not
25 12:23 provide this money, the contract is going to go away.

1 12:23 Q. Okay.

2 Anything else?

3 A. Yes. 24th, I went to the bank. He asked for
4 more money for some of the expenses that he needs in the
5 12:23 production. So I went to my bank, and I withdraw from
6 my bank account, and I handed him the cash. I was there
7 with Hossam, the brother of Tamer. And I handed him the
8 cash, and he was working on the arrangement -- several
9 arrangements for the video, other logistics.

10 12:23 Q. Okay.

11 MS. EWING: Which video?

12 THE WITNESS: Oh, I'm sorry. "Welcome to the
13 Life," specifically "Welcome to the Life." Okay.

14 And then at night, we went to rehearsal. And we
15 12:23 had a videotape for that the second rehearsal. We went
16 to the rehearsal, and I was physically there. And we
17 were kind of like happy that this project is a go.

18 And I personally talked to Tamer that, you know,
19 "This is a lot of money, and we have to make some
20 12:24 sacrifice to get this money" and so on. That's on the
21 24th, we finished the rehearsal.

22 MR. JERISAT:

23 Q. Okay.

24 A. The 25th was the filming.

25 12:24 Q. Okay.

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1 12:24 A. 25th was the filming. We spent the whole day
2 starting -- I think started like 6:00 in the morning and
3 we finished very late at night.

4 Q. Okay.

5 12:24 A. And we went back to the hotel. He was staying
6 with us in -- in the same hotel. And the next day, we
7 were all supposed to travel, and he got arrested -- or
8 this is what I learned, that he got arrested in Atlanta,
9 Georgia, because he beat a guy.

10 12:24 And I talked to his fiancée or wife, you know,
11 about that, and she told us that they're going --

12 MR. JERISAT: Move to strike that question -- that
13 response. That's irrelevant.

14 Q. Go ahead.

15 12:24 A. No, I think it's relevant because he got
16 arrested in Atlanta. And I don't know, I -- what he
17 told me after that is that there was a lawsuit that was
18 brought against him in Georgia, what he told me, and he
19 told me that he had to pay a lawyer \$8,000. And that

20 12:25 discussion --

21 MR. JERISAT: That's hearsay. Move to strike.

22 MS. EWING: I'm sorry. He just said that Tareq
23 told him this.

24 THE WITNESS: This is connection. It's very

25 12:25 relevant to the connection to the state. I don't know

1 12:25 if he went back and forth back to Georgia for that legal
2 case.

3 MR. JERISAT:

4 Q. Have you seen him paying the money to anybody?

5 12:25 A. No. That's why I'm telling you, he told me
6 that.

7 And I remember the instance when this happened,
8 when my girlfriend got a car accident, and I had to pay
9 a lot of compensation for that accident. That was in
10 12:25 Houston, Texas on a later date. I was chatting to him
11 about that.

12 Q. You were in Houston at that time?

13 A. No. We were in Miami. When we had this
14 discussion about what he paid to the lawyer, that was in
15 12:25 Miami.

16 Q. You're not answering my question. I'm only
17 asking you about your physical presence in Georgia from
18 the 23rd --

19 A. Yeah, I learned he got arrested.

20 12:25 Q. Let me finish.

21 A. Yeah.

22 Q. -- to the 25th. You're going all over the
23 place.

24 I'm asking you, when you were at Atlanta from the

25 12:26 23rd to the 26th, what did you see Tareq's connection to

1 12:26 Atlanta?

2 A. Okay.

3 Q. You're telling me about Miami and other places.

4 That is not relevant.

5 12:26 A. I want to be very specific.

6 Q. Just answer the question specifically.

7 A. Sure.

8 On the 26th, I learned from his fiance or wife that
9 he got arrested, and she needs to bail him out.

10 12:26 Q. Hold on.

11 On the 26th, where were you?

12 A. I was in Atlanta, Georgia.

13 Q. You said you were in Miami, you told us.

14 A. 26th, I was still in Georgia.

15 12:26 Q. Didn't you tell us you learned about this
16 alleged incident when you were in Miami?

17 A. No. I said he paid for a lawsuit after that.
18 So I know he got arrested on the 26th, but I learned it
19 later on.

20 12:26 Q. When did you leave Atlanta on the 26th?

21 A. Early afternoon.

22 Q. What time?

23 A. Around 2:00 p.m.

24 Q. Okay.

25 12:26 And from the morning until you left, which is

1 12:27 1:00 o'clock, did you talk to anybody?

2 A. Yes.

3 Q. Who did you talk to?

4 A. I talked to Tamer, to Hossam, and to Tareq's

5 12:27 wife.

6 Q. What time did you talk -- To Tareq's wife, you
7 said?

8 A. Yes, or fiance. He was telling us it was his
9 wife.

10 12:27 Q. What time did you talk to her?

11 A. I talked to her when we were on our way to the
12 airport around noon, probably. Because we tried to call
13 his phone, and his phone was off. And then she picked
14 up, and she told me.

15 12:27 Q. All right. Hold on.

16 A. I haven't finished.

17 Q. Hold on.

18 From the morning until 2:00 o'clock, did you talk
19 to any other people?

20 12:27 A. Of course I did. I talk to a lot of people. I
21 don't know the subject of the discussion.

22 Q. About Tareq or about --

23 A. Yes. So someone called me --

24 Q. Yeah.

25 12:27 A. -- and told me that Tareq got arrested and

1 12:27 please extend the hotel to us for one more day, and the
2 reason why is they were supposed to drive to North
3 Carolina that night, the 26th, and Tareq was supposed to
4 take them to North Carolina.

5 12:28 Q. Okay.

6 A. And --

7 Q. Other than that --

8 A. I didn't finish yet.

9 Q. Other than that, what did you see Tareq's
10 12:28 connection to Atlanta?

11 A. Just some posts.

12 Q. Posts?

13 A. Yes.

14 Q. On the Internet?

15 12:28 A. On the Internet.

16 Q. But as you sit here, in terms of Tareq's
17 connection to Atlanta, did you see any transfer of money
18 from Tareq to Akon or anybody?

19 A. When I was in Atlanta, no.

20 12:28 Q. And did you see Tareq doing any business in
21 Atlanta?

22 A. I did.

23 Q. What did you see?

24 A. I did see him directing the music video.

25 12:28 Q. Which one?

1 12:28 A. "Welcome to the Life."

2 Q. Uh-huh.

3 A. And I did compensate him, based on Tamer's
4 instructions, for the work that he has performed in

5 12:28 "Welcome to the Life."

6 And I seen him arranging some of the logistics of
7 that music video, and I have seen him negotiating with
8 Akon on some arrangements.

9 Q. As relevant to what?

10 12:29 A. As "Welcome to the Life" and "Arabian Knight."

11 Q. Okay.

12 And when you sit here testifying under oath --

13 A. Sure.

14 Q. -- are you sure that these events are correct
15 12:29 in your memory?

16 A. What I don't know is that if the subject of his
17 discussion with Akon was what I -- what he told me after
18 he came back. I physically saw them. We were asking
19 him to discuss with him because all the communication
20 12:29 was funneled through him. Even if we understand
21 English, we talk English very well, he was always the
22 party to go to Akon, tell him what the deal is and gets
23 back to us with what the feedback is.

24 Q. Okay.

25 12:29 A. So -- But I'm not sure if he told him what he

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1 12:29 told us.

2 Q. You're not sure if he told you what.

3 A. Yeah, so he comes back to us saying that, "I
4 discussed" -- We ask him go and discuss with him one,

5 12:29 two, and three.

6 Q. Okay.

7 A. He comes back.

8 Q. Other than the alleged payment to him, is there
9 anything else you saw him in terms of business in

10 12:29 Atlanta?

11 A. I paid him in cash.

12 Q. Other than that, anything else?

13 A. I paid him in cash. That's apart from the
14 transfer.

15 12:30 Q. For what?

16 A. For -- I don't know what was that part for.

17 Q. Was it for --

18 A. I think for --

19 Q. -- "Arabian Knight"?

20 12:30 A. No. It was for "Welcome to the Life."

21 Q. And where is that money going to?

22 Was he paying someone else?

23 A. I don't know. This particular -- The cash that
24 I gave him, I know it was to pay for the production --

25 12:30 Q. Okay.

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1 12:30 A. -- of the video.

2 Q. Is there anyone else who can testify to that?

3 A. Absolutely. Hossam. Hossam was with me when I
4 brought the money to him.

5 12:30 Q. Where is he?

6 A. He's in Egypt now.

7 Q. And he will testify to what, when did you give
8 Tareq the money?

9 A. Yeah, because he was with me.

10 12:30 Q. When did you give --

11 A. 24th.

12 Q. For what?

13 A. That's the cash payment. I want to be clear.

14 Q. For what?

15 12:30 A. For equipments that he needs in the production,
16 to pay for some equipments.

17 Q. Okay.

18 So you gave him money so he can buy equipment?

19 A. No. I gave him money through a wire transfer

20 12:30 on the 23rd, and I was told that this was for his
21 compensation. On the 24th --

22 Q. I'm asking you --

23 A. The cash -- I'm continuing.

24 Q. Yeah.

25 12:31 A. On the 24th, I give him the cash to go and get

1 12:31 the equipment in Georgia.

2 Q. And on the 23rd, do you know where that money
3 went through to?

4 A. I transferred it from my account -- to an
5 12:31 account that he advised in a text message.

6 Q. And do you know where that money went to, what
7 account, who took that money?

8 A. Of course.

9 Q. Who?

10 12:31 A. To his account. I transferred it from my
11 personal account.

12 Q. Right.

13 But do you have any knowledge --

14 A. I don't know how he used it, but instructions
15 12:31 that I received was this is for his compensation.

16 Q. Right.

17 Could it be that money was used to buy equipment?

18 A. I don't think so. I would have been told that.

19 Q. Okay.

20 12:31 But it could be --

21 A. No.

22 Q. Let me just finish.

23 But you may not have known that; correct?

24 A. No, because I was told -- because I was

25 12:31 involved with where this money is going to be spent.

1 12:31 Q. Right.

2 A. So I was told by Tamer that this transfer, and
3 it was exactly \$10,000, from my knowledge before, is
4 that he have charged the other projects \$10,000 for the
5 12:31 filming. Okay.

6 He ask me to do more transfers, and that was
7 actually supported by text messages to do more transfers
8 for the money of the production, which I can gave him
9 the money to cash.

10 12:32 And I told him, "The limit for my account per day
11 is \$10,000 to transfer, so the additional money you need
12 for the production is going to come next day."

13 Q. As you sit here, do you know where that money
14 went to or for what?

15 12:32 A. No.

16 Q. And that money could have been used to buy
17 products or equipment?

18 A. I don't think he did because he --

19 Q. Do you know what he did with the money?

20 12:32 A. I don't know what he did with the money.

21 Q. So you're not in a position, as you sit here,
22 to tell us where the money went to?

23 A. No. He told me, Tareq told me.

24 Q. I'm asking you, as you sit here --

25 12:32 A. You're asking me what is my knowledge?

1 12:32 Q. I'm asking you whether that money was used to
2 purchase equipment.

3 THE REPORTER: Hold on a second. One at a time.

4 THE WITNESS: No, and he told me --

5 12:32 MR. JERISAT:

6 Q. No.

7 A. -- he wants different money for the equipment.

8 I want to be clear.

9 Q. Right.

10 12:33 A. It was different.

11 Q. But as you sit here --

12 A. Uh-huh, I don't know how he used it.

13 Q. That money could have been used to buy
14 equipment?

15 12:33 A. I don't think so.

16 Q. Were you with him all the time?

17 A. I don't think so. He would have charged me for
18 that.

19 Q. Right.

20 12:33 But if you're not with him all the time, then it is
21 possible the money was used to purchase equipment?

22 A. He did not claim any additional money from me.

23 Q. I'm not asking about claiming.

24 A. Everything is possible.

25 12:33 Q. I'm asking you, do you know -- as you sit here,

1 12:33 you cannot rule out that the money was used to buy
2 equipment --

3 MS. EWING: Object to form.

4 THE WITNESS: I don't.

5 12:33 MR. JERISAT:

6 Q. -- you cannot?

7 A. I cannot.

8 Q. Right.

9 That money could be used for any purpose?

10 12:33 A. Based on his statement to me, he used other
11 money -- he requested other money for me for the
12 equipment. Now, if your question how he used his money,
13 I don't know.

14 Q. No. My question to you, as you sit here --

15 12:33 A. Uh-huh.

16 Q. -- can you rule out that money was used to
17 purchase equipment or pay other people?

18 MS. EWING: Object to form.

19 THE WITNESS: I would think so.

20 12:33 MR. JERISAT:

21 Q. You can rule out?

22 A. Based on my best knowledge, based on my best
23 knowledge and my understanding for what he told me, but
24 I'm not a judge. If he told me, "I deal drugs," I

25 12:34 can't.

1 12:34 MR. JERISAT: Move to -- Object. Move to strike.

2 Q. Listen to the question, please, carefully.

3 A. Uh-huh.

4 Q. This is not --

5 12:34 A. Maybe somebody can help me with the answer. I
6 don't know what your question is.

7 Q. As you sit here -- As you sit here, you cannot
8 physically rule out that money was used to purchase
9 equipment by him or anyone else?

10 12:34 MS. EWING: Object to form. I believe it's asked
11 and answered.

12 THE WITNESS: No.

13 MR. JERISAT:

14 Q. All right.

15 12:34 A. When you say "rule out," means I cannot --

16 Q. You cannot --

17 A. -- disregard that it could have been used for
18 that.

19 Q. You cannot -- You cannot -- You don't have
20 12:34 proof that the money was not used to purchase equipment
21 or anything else?

22 MS. EWING: Object to form just because we're
23 asking a witness to state --

24 THE WITNESS: Sure.

25 12:34 MS. EWING: -- something he doesn't -- can't know.

1 12:34 THE WITNESS: What I do know is that for the
2 equipment that he paid for, he received the money.
3 MR. JERISAT:
4 Q. I'm asking you specifically for the money that
5 12:35 you say you said you paid him; right?
6 A. Uh-huh.
7 Q. Let's focus on that.
8 A. Correct.
9 Q. You have no evidence that the money was not
10 12:35 used --
11 A. I don't.
12 Q. -- to purchase equipment or anything else?
13 A. I don't, I don't.
14 Q. You don't know if that money was used to pay
15 12:35 other people?
16 MS. EWING: Object to form.
17 THE WITNESS: I don't know.
18 MR. JERISAT:
19 Q. You don't know what he did with the money?
20 12:35 A. No, I know what the money was for.
21 Q. I understand that.
22 A. What he used the money for, no.
23 Q. Right.
24 A. He could have used it for anything else.
25 12:35 Q. Right.

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1 12:35 A. But to my best knowledge -- I want to finish
2 the statement.

3 Q. I don't want your best estimate, please.

4 A. I want to finish my statement.

5 12:35 MS. EWING: I think he's entitled to answer. He's
6 entitled to answer.

7 THE WITNESS: Can I?

8 MS. EWING: You can answer.

9 It's an explanation of what you asked him. You ask
10 12:35 him a question, and then you don't want to allow him to
11 answer.

12 MR. JERISAT: Counsel, I think he's inserting his
13 interpretation.

14 MS. EWING: No. You're trying to form his
15 12:36 answer --

16 MR. JERISAT: Please let me talk to the lawyer.

17 MS. EWING: You're trying to form and change his
18 answer to your liking. He's entitled to answer and
19 provide whatever qualification, explanation --

20 12:36 MR. JERISAT: True.

21 MS. EWING: -- he wants to provide.

22 MR. JERISAT: But what he's doing, inserting,
23 insinuating statements that's not responsive to the
24 question.

25 12:36 MS. EWING: And I've objecting to your whole line

1 12:36 of questioning. To me, this is why he's answering you
2 the way he is, because you're asking him improper
3 questions, and it does require him to give an
4 explanation for the answers that you're asking him to
5 12:36 provide.

6 MR. JERISAT: Well, I'm asking him if he can rule
7 out, and his response is -- he's all over the place.

8 MS. EWING: No, he's told you that he doesn't --
9 that he knows what the money was for, but he doesn't
10 12:36 know how it was ultimately used. And you keep asking
11 him to say it the way you want it to be said, and he's
12 entitled to say the way he wants to.

13 MR. JERISAT: Let's go off the record for a second
14 here.

15 12:36 (A recess is taken.)

16 MR. JERISAT: Let's go back on the record, please.

17 Q. When --

18 A. I haven't finished. I want to say that I
19 haven't finished my answer.

20 12:37 Q. All right.

21 Please, there's no question.

22 In preparation for this deposition, what documents
23 have you reviewed?

24 A. The payments that I've made. All the payments
25 12:38 that were subject to this.

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1 12:38 Q. "Subject to this" --

2 A. This affidavit.

3 Q. Which is your declaration --

4 A. My declaration.

5 12:38 Q. -- under oath?

6 A. The affidavit, yes, under oath.

7 And I looked at text messages between me and Tareq.

8 Q. Okay.

9 Anything else?

10 12:38 A. Text messages, my -- some of the invoices when
11 I traveled to Atlanta.

12 Q. Invoices when you traveled to Atlanta?

13 A. Yeah, so when exactly that proves that I was in
14 Atlanta.

15 12:38 Q. Okay.

16 Do we have a copy of those invoices?

17 A. No.

18 Q. Will you produce those invoices?

19 A. Sure.

20 12:38 Q. Okay.

21 Anything else that you reviewed?

22 A. Text messages. Oh, email correspondence
23 between me and Tareq back in the time when he sent Tamer
24 the draft contract for Chris Brown that stated that

25 12:39 Georgia was the --

1 12:39 Q. Other than the emails, did you review anything?

2 A. No.

3 Q. So you reviewed emails, text messages, and your
4 affidavit?

5 12:39 A. Yes.

6 Q. Did you have any discussion --

7 A. Uh-huh.

8 Q. -- with anyone about this, your deposition
9 today?

10 12:39 A. When you say "discussion," clarify.

11 Q. Did you discuss your deposition with anyone
12 before you came here?

13 A. The detail, yeah, Tamer knows I'm coming here
14 to do the deposition.

15 12:39 Q. All right.

16 Did you discuss it with anyone else?

17 A. My deposition? Maybe the lawyers. I did not
18 discuss the deposition.

19 Q. How many times?

20 12:39 A. No, it's just the logistics, when we're going
21 to come, what time we have to come.

22 Q. Did you discuss your deposition with anyone
23 with your lawyers?

24 A. Like the details of my deposition, no, because

25 12:40 we don't know the details of our deposition, what you're

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1 12:40 going to ask.

2 Q. Okay.

3 And as you sit here today, your deposition, the
4 basis of your knowledge is your personal knowledge?

5 12:40 A. Yes.

6 Q. Okay. All right.

7 And what you saw in Atlanta?

8 A. Yes.

9 Q. Okay.

10 12:40 Anything else in terms of -- you can tell us about
11 this? Is there anything else?

12 A. This is an open question. Like what?

13 Q. Is there anything else you can tell us about
14 Tareq's role in the movie, so --

15 12:40 A. So shall I answer?

16 Q. "Welcome to the Life" or "Arabian Knight," is
17 there anything else you need to tell us?

18 A. Okay.

19 Am I going to answer or --

20 12:40 MS. EWING: I'm only --

21 THE WITNESS: That's an open question.

22 MS. EWING: He's raising a good point, that he's
23 going to talk about things that you've objected to
24 before --

25 12:40 THE WITNESS: Yeah.

1 12:40 MS. EWING: -- because he's going to mention things
2 that he's seen not just those 23rd to the 26th.

3 MR. JERISAT: Right, right.

4 MS. EWING: He can answer.

5 12:41 THE WITNESS: Do you want me to answer, or are you
6 going to object to my answer because I have the whole
7 story?

8 MR. JERISAT:

9 Q. And my question is --

10 12:41 A. You said, "Do you know anything about "Welcome
11 to the Life"?

12 Q. Let me just rephrase my question.

13 Other than what you've told us about Tareq's
14 connection to Georgia, the payments that were made here,
15 12:41 is there anything else about Tareq's connection or the
16 movies that we need to know? Anything else you want to
17 testify about?

18 A. There's a lot. Your question was very
19 specific. You disregarded everything that happened
20 12:41 before or after. Your question was very specific.

21 "Welcome to the Life" from the 23rd, when I was
22 physically there, until the 26th. If you want other
23 knowledge, I have significant amount of information.
24 It's up to you.

25 12:41 MR. JERISAT: Okay.

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1 12:41 Can we go off record.

2 (A recess is taken.)

3 MR. JERISAT: We're back on the record. All right.

4 See, let's just -- we're resuming this deposition.

5 12:54 THE WITNESS: Shall I answer the question?

6 MR. JERISAT:

7 **Q. Hold on. I'll put another question.**

8 A. So this question is gone?

9 **Q. As far as --**

10 12:54 A. No, I want to make sure, is that question gone?

11 MS. EWING: Hold on a second. Let me just clarify
12 for the record.

13 Before the short recess, there was a question that
14 had started but opposing counsel has decided to go in a
15 12:55 different line of questioning.

16 MR. JERISAT:

17 **Q. All right.**

18 **So as far as your stay in Georgia or Atlanta, you**
19 **made one payment -- cash payment to Tareq; correct?**

20 12:55 **Is that what you're telling us?**

21 MS. EWING: Object to form.

22 THE WITNESS: Yes.

23 MR. JERISAT:

24 **Q. Why was it cash?**

25 12:55 A. How much was it?

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1 12:55 Q. Why.

2 A. For the production equipment.

3 Q. Okay.

4 A. This is what I was advised to do.

5 12:55 Q. Okay.

6 And that's the payment you made to Tareq?

7 A. No. I made him a payment on the 23rd that was
8 a wire transfer for \$10,000, and I was told that this
9 was for his compensation.

10 12:55 And the next day, I was told, "We need some more
11 money for the production because Tareq wants to get some
12 more equipment."

13 Q. Okay.

14 Are there any other transactions that you're aware

15 12:56 of --

16 A. I do --

17 Q. -- and between you and Tareq?

18 A. Yes. Not in Georgia. And I have evidence for
19 that.

20 12:56 Q. Okay.

21 Just focusing on Georgia now.

22 A. Okay.

23 Q. Okay.

24 A. It's for "Welcome to the Life."

25 12:56 Q. We're talking about Georgia now.

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1 12:56 A. Yeah. It's related to the music video "Welcome
2 to the Life" that was filmed in Georgia. If your
3 question is while I was physically there -- Is that your
4 question?

5 12:56 Q. I'm asking you about --

6 A. Georgia.

7 Q. Tareq's connection to Georgia.

8 A. Right.

9 Q. I'm asking about any payment made to Tareq --

10 12:56 A. I did.

11 Q. -- in Georgia.

12 You told me there's allegedly one --

13 A. Two.

14 Q. -- two in Georgia?

15 12:56 A. Yes.

16 Q. Any other payments in Georgia to Tareq,
17 allegedly?

18 A. Physically while I was in Georgia, no.

19 Q. You paid him other stuff when Tareq was outside
20 12:56 of Georgia?

21 A. I don't know where he was. I think my
22 understanding -- My understanding, but I'm not sure,
23 that he was with Akon at that time because that payment
24 was in December. And that syncs back with his presence
25 12:57 in -- in that post that I saw on the Internet.

1 12:57 I transferred his dad \$30,000 that he was supposed
2 to give to Akon. And I have text messages to prove
3 that. And I have bank transfers, actually, my credit
4 card statement and snapshot that shows -- and multiple
5 12:57 communications that this is related to "Welcome to the
6 Life" project. And it was --

7 **Q. That they need to transfer --**

8 A. -- it was December that he needs to give to
9 Akon.

10 12:57 **Q. Right.**

11 A. And it was December 24th. It was the day
12 before Christmas. I was driving on my way to Miami.
13 Let me finish that part. And what I understood, from my
14 understanding -- because you're asking about his
15 12:57 connection to Georgia, my understanding is that he spent
16 that Christmas with Akon, and they posted some post.
17 And that \$30,000 was supposed to be handed in cash to
18 Akon.

19 **Q. Okay.**

20 12:57 **That's based on your understanding?**

21 A. No. This is what I was instructed to do. I'm
22 going to give it to Tareq, and Tareq is going to give it
23 to Akon. Where he was physically, I don't know.

24 **Q. Okay.**

25 12:58 **Anything else?**

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1 12:58 A. That's an open question.

2 Can I finish?

3 **Q. About payment to Tareq?**

4 A. Yeah, yeah.

5 12:58 \$30,000, that was made. There was multiple other
6 transactions that I don't remember. But they're related
7 to "Welcome to the Life."

8 **Q. Okay.**

9 A. There was a number of Western Union transfer.

10 12:58 **Q. Do you have evidence of those?**

11 A. I think I do, but I have to look.

12 **Q. As you sit here --**

13 A. Uh-huh.

14 **Q. -- do you have evidence of those?**

15 12:58 A. Other transfers? I don't remember.

16 **Q. Okay.**

17 **Anything else about Tareq's connection to Atlanta**
18 **that you know of?**

19 A. Other than the payments that he received, the
20 12:58 post that I have seen and the arrest that I talked about
21 and the production of "Welcome to the Life" and the
22 sealing of the project that got called later "Arabian
23 Knight."

24 **Q. Which he's not a party to that.**

25 12:59 **Is he a party to that "Arabian Knight"?**

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1 12:59 MS. EWING: Object to form.

2 THE WITNESS: He's not defined in the agreement,
3 but my understanding is that he was working as an agent
4 on behalf of Akon, delivering the money to Akon on

5 12:59 behalf of Tamer Hosny, negotiating the terms with Akon
6 and getting the response from Tamer Hosny.

7 MR. JERISAT:

8 Q. Okay.

9 A. He was not a translator. I want to make it
10 12:59 clear on the record, he was not translating. He was
11 negotiating on behalf of Akon.

12 Q. Even though the plaintiff denies that he was an
13 agent?

14 MS. EWING: Object to form.

15 12:59 THE WITNESS: I think, my understanding --

16 MR. JERISAT:

17 Q. Yeah.

18 A. -- I can't speak on behalf of the plaintiff,
19 but I don't --

20 12:59 Q. Why not? Because you're his buddy?

21 A. Well, I'm his buddy, but --

22 Q. You have a financial interest in this lawsuit?

23 A. I don't have any financial interest in this
24 lawsuit.

25 12:59 MS. EWING: Object to form.

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1 12:59 THE WITNESS: I have never --

2 MR. JERISAT:

3 **Q. You want the plaintiff to win this case; right?**

4 A. I want the plaintiff to win this case because I
5 13:00 think he has the right, because I have seen all the
6 documents.

7 **Q. Because you're going to make money from this**
8 **lawsuit?**

9 A. I will not make any money from this lawsuit. I
10 13:00 have not made any money from any music video or any
11 transaction that Tamer Hosny has ever made.

12 **Q. Well, you just told us you're his financial**
13 **director.**

14 A. I'm his finance director to manage his
15 13:00 finances, but I don't make money. I'm not getting paid
16 for this.

17 **Q. And you're telling us your interest and the**
18 **plaintiff are not aligned in this case?**

19 MS. EWING: Object to form.

20 13:00 THE WITNESS: Zero interest. I am his finance
21 manager to manage his finance in the U.S. I advise him
22 at no compensation.

23 MR. JERISAT:

24 **Q. But he's your friend?**

25 13:00 A. He's my friend, yes.

1 13:00 Q. And you want the best for him?

2 A. Of course.

3 Q. You want him to do well in this lawsuit?

4 A. No, I want him to get -- because I'm under oath

5 13:00 and I'm a witness on this lawsuit, what I want is the
6 fair treatment for both parties.

7 Q. Okay.

8 Do you want him to do well in this lawsuit?

9 A. No.

10 13:01 Q. You want him to do bad in this lawsuit.

11 A. I don't want him to do well. I don't want him
12 to do bad. What I want to happen is that it's going to
13 be fair for both parties. If he has the right --

14 Q. Wasn't it true that this lawsuit was your idea?

15 13:01 MS. EWING: Object to form.

16 THE WITNESS: I advised him that he has to bring a
17 lawsuit.

18 MR. JERISAT:

19 Q. Okay.

20 13:01 A. I did advise him.

21 Q. You did?

22 A. Yes.

23 Q. When did you advise him of that?

24 A. When the negotiations failed. They tried to

25 13:01 negotiations. There were multiple text messages,

1 13:01 emails, discussions that this project is going to be on
2 a go and Akon will complete that project. And these
3 negotiations, based on Tamer -- what Tamer told me
4 collapsed sometime in September and this is when we sent
5 13:01 the demand letter.

6 Q. And you advised the plaintiff to file this
7 lawsuit?

8 A. Yes.

9 Q. Okay.

10 13:01 And so you want him to succeed in this lawsuit?

11 A. No, I want him to manage his legal case.

12 Q. Okay.

13 A. So if he ask me as a friend, "What do I need to
14 do?" the best route is not to fight with anyone, is to
15 13:02 go and handle it in a legal way.

16 Q. I understand that.

17 But since you advised him to file this lawsuit, I'm
18 assuming that you know definitely you want to see --

19 A. That's not a definite --

20 13:02 Q. Can I please finish?

21 A. Sure.

22 Q. You want to see your friend follow your advice
23 and succeed; correct?

24 A. No. Because he is a mature person. He has the
25 13:02 right to go with my advice or not to go with my advice.

1 13:02 Q. Right.

2 And since he went with your advice --

3 A. Uh-huh.

4 Q. -- don't you think you're too interested in
5 13:02 this lawsuit now?

6 A. No.

7 MS. EWING: Object to the form.

8 THE WITNESS: And the reason why is because I'm
9 under oath, and I'm being a witness in this lawsuit.

10 13:02 And at the same time, I have my licenses that I swore
11 under oath that I will never do anything wrong in order
12 to jeopardize this.

13 MR. JERISAT:

14 Q. We understand that, but that doesn't mean you
15 13:02 can't have an interest in this lawsuit.

16 A. I don't. Because ethically, I cannot. As a
17 witness, I cannot.

18 Q. Right.

19 But your interest is aligned with the plaintiff?

20 13:03 MS. EWING: Object to form.

21 THE WITNESS: It's not.

22 MS. EWING: We've already answered this.

23 THE WITNESS: Because I will not take any
24 compensation from any result of this legal case. If he
25 13:03 got the money, that's good for him. If he doesn't get

1 13:03 the money, he is the one that's paying these expenses,
2 not me.

3 MR. JERISAT:

4 Q. And who is paying for your expenses now?

5 13:03 A. Myself.

6 Q. You're paying for this?

7 A. Yes.

8 Q. Who paid for your flight?

9 A. I did.

10 13:03 Q. Why would you do that?

11 A. Because I want to -- I think that this drag too
12 long, and I want to make it easier. I was trying to be
13 cooperative. At the same time, I'm actually here in
14 Los Angeles because I have, actually, a business meeting
15 13:03 after this.

16 So -- And I'm going to meet with my cousin, and we
17 have a lot of text messages of plans that I have to do.
18 And then I'm staying for the weekend too. And, by the
19 way, I was hear last weekend.

20 13:04 Q. Okay.

21 So are you billing the plaintiff for this?

22 A. No.

23 Q. You're paying on your own?

24 A. Yes.

25 13:04 Q. Because you happen to be here?

1 13:04 A. Yes.

2 Q. And did you incur any expenses for this
3 lawsuit?

4 A. Myself, no.

5 13:04 Q. Okay.

6 And did you send any request for the plaintiff for
7 any money?

8 MS. EWING: Object to form. I just don't see the
9 relevance of going into --

10 13:04 THE WITNESS: Yeah, but I don't have a problem with
11 answering these questions.

12 Of course, I did, but not related to -- to --
13 related to the lawyer fees.

14 MR. JERISAT:

15 13:04 Q. Related to what?

16 A. Lawyer's fees, any lawyer's fees, that's the
17 expenses. So I don't pay. Sometimes I pay it on his
18 behalf, and then he pays me back for this.

19 Q. Okay.

20 13:04 And you're doing this for free?

21 A. Yeah, because he's my friend.

22 Q. Okay.

23 A. I don't get compensated for anything.

24 Q. For any work?

25 13:04 A. For any work.

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1 13:04 Q. Okay.

2 And we won't be able to see any financial
3 transaction between you and him?

4 A. Between me and Tamer? Yes.

5 13:04 Q. To show that you have not been paid any money?

6 A. Well, there's no contract between us. You
7 can't prove the opposite.

8 Q. Right.

9 A. I don't know what evidence you want me to
10 13:05 prove.

11 Q. Are you acting as an agent for the plaintiff?

12 A. No.

13 Q. But you're his finance director?

14 A. Yes, but not his agent.

15 13:05 Q. And you have not been paid any penny?

16 A. Zero.

17 Q. And you have no interest in this lawsuit?

18 A. No.

19 Q. We'll get to see about that.

20 13:05 A. Absolutely.

21 Q. Almost done. We're almost done here. Let me
22 just confirm.

23 I'm done with this witness. He's yours.

24 MS. EWING: Okay.

25 13:05 I just have a few follow-up questions.

1 13:05 THE WITNESS: Sure.

2

3 -EXAMINATION-

4

5 BY MS. EWING:

6 Q. If you could look at Exhibit 1, which is your
7 declaration.

8 A. Yeah.

9 Q. If you could look at paragraph 6. I just want
10 13:06 to see if you could clarify whether paragraph -- what
11 dates while you were in Atlanta paragraph 6 relates to.

12 A. Sure. So what dates here is the 22nd. That
13 was in Tuk-Tuk restaurant, and that when I was not
14 physically present, and this is when I heard about
15 13:06 everything.

16 And I said in my statement that there were few
17 other discussions in several locations in Atlanta,
18 Georgia that after, which means that it started after
19 the -- when I was physically there.

20 13:06 So 23rd, I was physically there. It happened in
21 the Westin Hotel. And during the days that I was
22 physically there in Atlanta. So 22nd, I was not
23 physically in Georgia. And it was only related to the
24 Tuk-Tuk restaurant.

25 13:07 Q. Did you have any direct conversations with any

1 13:07 of the people who were in Atlanta on the 22nd or any day
2 prior to that?

3 A. On the phone.

4 Q. Can you tell us who specifically you talked to?

5 13:07 A. Tamer Hosny, Hossam Hosny, and Tamer Abdul
6 Massy.

7 Q. Okay.

8 A. And I had several text messages with Tareq, but
9 they were relevant to "Welcome to the Life."

10 13:07 Q. Okay.

11 Did you have any conversations with Tareq relating
12 to the second project prior to seeing him in person?

13 A. No.

14 Q. And you said one of the individuals was

15 13:08 Tamer --

16 A. Tamer Yehia.

17 Q. Okay.

18 A. And this is the one together with Tamer Hosny
19 and Hossam Hosny, they were the ones that filled me

20 13:08 in --

21 Q. Okay.

22 A. -- with the -- with all the discussions that
23 were going on --

24 Q. Okay.

25 13:08 A. -- and the need to start thinking about

1 13:08 arranging the money.

2 Q. Did those conversations, prior to the 23rd,
3 have any impact on your experience or your presence in
4 Atlanta?

5 13:08 A. Yeah. I think my original flight reservation
6 was the 24th. That's my original booking. And because
7 they had to close on the deal, and Tamer asked me that I
8 need to be physically there.

9 So we -- you know, I can -- I can kind of like seal
10 13:08 that with them. So that's why I changed my travel
11 plans, and I got an earlier flight. So it's the same
12 reservation, but I checked in an earlier flight the
13 night before. And that's because you are allowed to,
14 when you -- upon check-in to check an earlier flight.

15 13:09 So I just rushed, and we went on the 23rd.

16 Q. Okay.

17 In several statements in your --

18 A. And, by the way, for the record, I think
19 because the counsel was asking for the supporting
20 13:09 documents, so there would be two things. Airline
21 reservation that shows the 24th as the travel date, but
22 then my United mileage statement that shows I physically
23 traveled on the 23rd.

24 Q. Okay.

25 13:09 Your declaration contains some statements about

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1 13:09 deposits or money that --

2 A. True.

3 Q. -- were transferred to a Georgia bank
4 account --

5 13:09 A. Uh-huh.

6 Q. -- belonging, you believe, to Akon.

7 At the time you -- and I know that there was some
8 testimony earlier --

9 A. Sure.

10 13:09 Q. -- but just to clarify this, at the time you
11 provided this declaration, what had you reviewed to help
12 you make those statements?

13 A. Sure. All my -- All the bank transfers that
14 I've made myself, that was based on my knowledge --

15 13:10 personal knowledge and all the supporting documents that
16 I produced myself.

17 For the transfers that were made by Tareq, I relied
18 on all the deposit slips that he provided me. And
19 that's how I made my statement. And when I made my

20 13:10 statement, I thought that making reference to the
21 appendices, that explains where was that source.

22 So sometimes I was saying I made the transfers
23 myself and sometimes I said when Tareq was making the
24 deposits, that Tareq was making these deposits based on

25 13:10 the receipts that he sent me, which I believed until the

1 13:10 date of the affidavit that they're all true.

2 Q. Okay.

3 And at the time that you provided the declaration,
4 had you had an opportunity to review any statements from
5 13:11 Akon's bank accounts or any other records, other than
6 what's included here?

7 A. After the affidavit?

8 Q. After the affidavit or -- I'm sorry, at the
9 time of the affidavit.

10 13:11 A. No, no. At that time, Akon's bank accounts
11 were not available. And I think until the subpoena got
12 filed, I hadn't had the chance to look at anything. I
13 think I started questioning the receipts when I looked
14 at Akon's bank account.

15 13:11 Q. Okay.

16 And have you learned of new information since you
17 provided the declaration that was Exhibit 1?

18 A. Exhibit A, you mean?

19 Q. Exhibit 1, the declaration.

20 13:11 A. I have learned after that that -- I have
21 personally seen that some of these transactions were not
22 consistent with the statements that were received
23 directly by subpoena from the bank, and this raised more
24 questions in my mind. And without making a judgment, I
25 13:12 had to report that to the authorities, and they have to

1 13:12 investigate that.

2 Q. To the extent that you need to clarify any
3 statements, do you feel that there's any other
4 clarification that you need to provide today for this
5 13:12 declaration?

6 MR. JERISAT: Objection. Leading.

7 THE WITNESS: Well, I think that the updates that I
8 have might be the updates is that I now do not feel
9 hundred percent that these receipts are true copies.

10 13:12 MS. EWING:

11 Q. Okay.

12 Do you have any personal knowledge about any
13 deposits, other than the ones that you transferred to
14 Akon's account?

15 13:13 A. All the other transfers that I have not made
16 personally, these were corroborated by direct statements
17 that I've heard and requests from Tareq, also with text
18 message communications between us, together with
19 confirmation from other people as well.

20 13:13 Q. Have you had any discussions with Akon directly
21 to confirm whether these were true?

22 A. No.

23 MS. EWING: Okay.

24 That's all I have.

25 13:13 MR. JERISAT: All right.

1 13:13 Brief recross.

3 -EXAMINATION-

5 BY MR. JERISAT:

6 Q. You stated that -- When did you review Akon's
7 bank account?

8 A. Tamer -- I think the subpoena was filed in
9 December.

10 13:14 Q. Okay.

11 A. And Tamer received the response, I think,
12 sometime in December. I think.

13 Q. Of?

14 A. Of 2014 -- '14.

15 13:14 Q. Okay.

16 A. 2014. Around that time.

17 And he sent it to me because he has limited
18 knowledge of comparing the numbers. So me, as his
19 finance adviser. I looked at the supporting documents
20 13:14 and this is when it did not match what Tareq has
21 provided us.

22 Q. Okay.

23 And we are in May, end of May?

24 A. Uh-huh.

25 13:14 Q. Almost five months --

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1 13:14 A. Uh-huh.

2 Q. -- after you allegedly began having doubts?

3 A. Uh-huh.

4 Q. And for the past five months, you've never
5 13:14 filed any documents in court to advise the Court that
6 now you are having doubts about your affidavit; correct?

7 A. I don't have any doubt about my affidavit. I
8 think still that all the statements were true at that
9 point. And I think that all the statements I made were
10 13:15 based on documents. That's my understanding. That my
11 statement was for.

12 MR. JERISAT: I move to strike the answer.

13 Q. My question is specific to you.

14 A. Uh-huh.

15 13:15 Q. For the past five months, since allegedly
16 December, when you allegedly began having doubts, did
17 you file any document with the Court?

18 A. No.

19 Q. Okay.

20 13:15 Why not?

21 A. Because I did not confirm my doubts, and I did
22 not know that this is going to make my affidavit,
23 anything incorrect. My understanding, it was clear for
24 me.

25 13:15 Q. I don't care about your understanding.

1 13:15 My question is specific, did you file any document
2 with the Court?

3 A. And I said no, and you're asking me why.
4 So shall I finish my answer?

5 13:15 Q. And the reason?

6 A. So shall I finish my answer?

7 Q. I'll let you know, the reason you didn't file
8 any document with the Court is because you still --
9 until this present, you're not sure if -- about your
10 13:16 doubt; correct?

11 A. Shall I finish?

12 Q. "Yes" or "no"?

13 A. I didn't get the question.

14 Q. My question is, the reason you did not file any
15 13:16 document with the Court is because as you sit right now,
16 you have not verified whether or not your doubts are
17 correct? Yes?

18 A. Yes.

19 Q. Okay.

20 13:16 And since December 20- -- what, '14?

21 A. Uh-huh.

22 Q. '14?

23 A. I think so, '14, yes.

24 Q. '14.

25 13:16 So we're looking at a year and a half?

1 13:16 A. Are we in '16?

2 Q. We're in '15.

3 A. December 2014 is not year and a half.

4 Q. So five months, did you discuss this issue with

5 13:16 anyone?

6 A. Yes.

7 Q. Who did you discuss it with?

8 A. I discussed that with Tamer.

9 Q. Did you discuss with your lawyers?

10 13:16 A. I'm sorry?

11 Q. Did you discuss this with your lawyer?

12 A. I brought that to the attention with Tamer's

13 lawyers.

14 MS. EWING: Don't go into any conversations --

15 13:17 MR. JERISAT: Right.

16 Q. You did. When did you have discussions with

17 your lawyers or plaintiff lawyers about this?

18 A. I don't remember.

19 Q. December?

20 13:17 A. I don't remember.

21 Q. January?

22 A. I don't remember.

23 Q. I mean recently?

24 A. I don't remember.

25 13:17 Q. Okay.

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1 13:17 But it's between December and May?

2 A. Yes.

3 Q. Okay.

4 So you'd say probably not May, maybe March?

5 13:17 A. I cannot guess because I don't remember.

6 Q. Okay.

7 But you did have discussion with them about --

8 A. As a finance manager for Tamer.

9 Q. Right.

10 13:17 About your affidavit?

11 A. Not about my affidavit.

12 Q. All right.

13 A. I did not discuss anything about the affidavit.

14 Q. Right.

15 13:17 A. I was discussing just the receipts.

16 Q. Right. The receipts, right.

17 And was there any conversation about your affidavit
18 under oath?

19 A. I don't remember that.

20 13:17 MS. EWING: I'm going to object to the extent we're
21 talking about specific conversations that were had with
22 attorneys.

23 THE WITNESS: I don't remember.

24 MR. JERISAT:

25 13:17 Q. Okay.

1 13:17 And when you made the declaration in August 14 --

2 A. Correct.

3 Q. -- okay, you testified that you attached this
4 exhibit because you wanted to make sure that those

5 13:18 exhibits explain your statement?

6 A. Yes.

7 Q. Okay.

8 Did, at any point -- I mean, you're a smart guy,
9 you understand English; correct?

10 13:18 A. Very good.

11 Q. Very good, your English is very good?

12 A. Absolutely.

13 Q. And you would say you're fluent in English?

14 A. Yes.

15 13:18 Q. And when you wrote your affidavit, you never at
16 any point stated that these statements are based on the
17 documents or the information provided to me with Tareq.

18 Did you ever state that specifically?

19 A. No.

20 13:18 Q. Okay.

21 In fact, like we have many times here, you would
22 make unqualified statements, such as on April 13, just
23 an example, Tareq caused 5,000 to be wired into Akon's
24 bank account?

25 13:19 MS. EWING: Object to form.

1 13:19 THE WITNESS: Is that a question about my motives,
2 or is that a question about "yes" or "no"?

3 MR. JERISAT:

4 Q. No, you made those statements, those were
5 13:19 unqualified statements.

6 A. What is the question?

7 MS. EWING: Object to form.

8 MR. JERISAT:

9 Q. The question is, when you made these statements
10 13:19 about Tareq's deposits, those were not qualified
11 statements based on what you know, what you don't know,
12 those were absolute statements?

13 A. They were not absolute statement.

14 MS. EWING: Object to form.

15 13:19 MR. JERISAT:

16 Q. Let's go through them.

17 A. I think it's legal language. I think it's
18 legal language. Maybe you as a lawyer think that these
19 go -- should go in.

20 13:19 Q. No, I think it's a plain, common language.

21 A. No, it's not. To qualify some of your
22 statements --

23 Q. Hold on a second.

24 MS. EWING: Counsel, we went through this

25 13:19 painstakingly.

1 13:19 MR. JERISAT: But this is an important issue.

2 THE WITNESS: Sure.

3 MR. JERISAT: Very important issue.

4 Q. When you say state February 8th that Tareq

5 13:19 caused \$25,000 to be deposited, period, you did not add
6 anything behind it?

7 A. I answered it.

8 MS. EWING: Object to form.

9 THE WITNESS: I answered it.

10 13:20 Do you want a repeat of the answer?

11 MR. JERISAT:

12 Q. Go ahead.

13 A. Yeah. I said I did not put the qualified
14 statement there because my understanding for the whole
15 13:20 paragraph that I wrote is that it's making a reference
16 to this. So my understanding for English is very well,
17 but my understanding how legal stuff should be crafted
18 is different.

19 Q. Okay.

20 13:20 Let me ask you this.

21 A. Sure.

22 Q. Are you saying that when someone reads the line
23 I've read, on February 8, Tareq caused 25,000 of the
24 150,000 down payment to be deposited into Akon's
25 13:20 account, period, are you saying that nobody should

1 13:20 understand this line -- or paragraph until they read the
2 rest of it?

3 MS. EWING: Object to form.

4 THE WITNESS: Yes.

5 13:20 MS. EWING: This witness --

6 THE REPORTER: One at a time.

7 MS. EWING: This witness is not here to testify
8 about what every person on the street is going to
9 interpret.

10 13:20 THE WITNESS: Yeah. I crafted the wording based on
11 my understanding, how I would understand it. That's my
12 belief.

13 MR. JERISAT:

14 Q. Okay.

15 13:21 And the way you would understand the first
16 paragraph is, you would have to read the rest of the
17 entire paragraph to understand the first two lines?

18 A. Yes. And the reference to the appendix was
19 meant to show that I relied on these documents.

20 13:21 Q. Okay.

21 I understand that --

22 A. Okay.

23 Q. -- but my question is specific to you.

24 A. Yeah.

25 13:21 Q. When you wrote the entire paragraph, you're

1 13:21 telling me now that anybody who reads English, right,
2 when they read the first line -- or the first paragraph,
3 they should not understand it or interpret it until they
4 read the entire paragraph?

5 13:21 A. Yes.

6 MS. EWING: Object to form.

7 MR. JERISAT:

8 Q. Is that what you're telling me?

9 A. Yes.

10 13:21 Q. Okay.

11 And the same thing for every other paragraph?

12 A. Yes.

13 And that's why I meant it to be, a paragraph and a
14 specific section.

15 13:21 Q. Okay.

16 Well, if that's the case, then why didn't you say,
17 simply, "I'm making this declaration based on Tareq's
18 documents"?

19 MS. EWING: Object to form.

20 13:21 THE WITNESS: Because I did not know that I have to
21 say that. I thought it was understood from the
22 paragraph.

23 MR. JERISAT:

24 Q. You thought?

25 13:21 A. Yeah. That's the way I crafted my declaration.

1 13:22 Q. And someone else told you that?

2 A. No, it's myself.

3 Q. Yourself?

4 A. Yeah.

5 13:22 Q. You're saying your understanding of the English
6 language is different than what most people understand
7 the English language?

8 MS. EWING: Object to form.

9 THE WITNESS: No, it's the comprehension of the
10 13:22 paragraphs. I know no one phrase has to be taken
11 outside of the context.

12 MR. JERISAT:

13 Q. Right.

14 A. So in order to understand what the person
15 13:22 means, you have to read the whole thing. If you went
16 through the laws, the laws might say you are prohibited
17 from doing that -- I haven't finished yet --

18 Q. Go ahead.

19 A. -- prohibited from doing that. If you did not
20 13:22 continue the rest of the clause in the contract or the
21 rest of the law itself, you will not be able to
22 understand at which condition you might have an
23 exception.

24 Q. That's a different story.

25 13:22 A. It is the same story.

1 13:22 Q. I'm asking you about something simple, an
2 English sentence that begins on February 8, Tareq caused
3 \$25,000 to be deposited in Akon's account, period.

4 A. Yes.

5 13:22 Q. You're telling us and you're telling the Court
6 that we should not understand or even interpret this
7 sentence unless we read the entire paragraph?

8 A. Yes.

9 MS. EWING: Object to form. We're here to ask what
10 13:23 he understood these questions to mean.

11 THE WITNESS: Yes.

12 MR. JERISAT:

13 Q. Did you tell that to the Court?

14 A. I did that in my declaration.

15 13:23 Q. Where did you say nobody should understand
16 these paragraphs?

17 A. I think what -- what should be the case is that
18 maybe your interpretation is different. My
19 understanding for how things should be written, and I'm
20 13:23 not lawyer, is that things should not be taken out of
21 the context. And when laws are crafted or contracts are
22 crafted, the whole paragraph has to be read because
23 there might be some disclaimer or what might look like a
24 disclaimer.

25 13:23 Q. Did you disclaim anything?

1 13:23 A. I did disclaim it by referencing to the
2 appendices.

3 Q. Do you know how disclaimers work?

4 A. I do.

5 13:23 MS. EWING: Object to form.

6 MR. JERISAT:

7 Q. Give me an example.

8 A. Reference to the appendices.

9 Q. Give me an example of a disclaimer.

10 13:23 A. Without depending on this, without relying on
11 this.

12 Q. That's a disclaimer?

13 A. Yeah, with exceptions of those.

14 Q. Did you put anything of this --

15 13:24 A. No.

16 MS. EWING: Object to form.

17 THE WITNESS: My understanding is this language is
18 correct.

19 MR. JERISAT:

20 13:24 Q. My question to you, in terms of disclaimer, you
21 had no disclaimer here?

22 MS. EWING: Object to form.

23 THE WITNESS: No, I had a disclaimer here by
24 referencing to that paragraph. Let me finish. There is

25 13:24 something when you need to make a reference on where you

1 13:24 got this information.

2 By the way, once you make a reference in your
3 statement to a specific document, that means you relied
4 on this document. And specifically, it's called

5 13:24 emphasis of a matter. So you're highlighting what you
6 did, you don't have to say it clearly --

7 Q. I appreciate --

8 A. -- might be understood.

9 Q. I appreciate your lecturing on the law, but I'm
10 13:24 asking you something specific here.

11 Disclaimers are clear --

12 A. They're not.

13 Q. -- and --

14 MS. EWING: Object to form.

15 13:24 You're asking this witness, I'm going to tell him
16 that he has answered this at this point.

17 MR. JERISAT: He did not.

18 MS. EWING: You're asking him to explain a
19 disclaimer.

20 13:24 MR. JERISAT: That's relevant to this, Counsel.

21 MS. EWING: You're asking him about legal answers.

22 THE WITNESS: I gave you an answer.

23 MS. EWING: He told you that's a disclaimer.

24 MR. JERISAT:

25 13:25 Q. You're telling me that you have disclaimed this

1 13:25 affidavit based on somehow this -- this says this should
2 only be based on Tareq's documents; right?

3 A. No, I did not say that. I did say that making
4 the reference to the appendix, that clearly shows. So
5 13:25 it's a part of the paragraph. And you cannot take it
6 outside of the context.

7 So when you look at that, the statement itself, or
8 the attachment or the proof, it's going to show that
9 this is an email communication from Tareq with the
10 13:25 deposit receipt.

11 So in any reasonable person mind when they read
12 this, they will see that this is an email communication,
13 and that's how I made this statement. Any reasonable
14 person, from my perspective, is going to understand the
15 13:25 same way.

16 Q. From your perspective?

17 A. Yeah, because I'm the one that drafted the
18 declaration.

19 Q. And you expect everyone --

20 13:25 A. Yes.

21 Q. -- including the Court, to read it from your
22 own perspective?

23 A. Yes.

24 Q. Did you explain that anywhere?

25 13:25 A. No.

1 13:25 Q. Did you explain how this should be read to
2 anybody?

3 A. No, because I thought, from my understanding,
4 this was clear.

5 13:25 Q. And if this was not clear and people read that
6 in a different way, are they justified to rely on that?

7 MS. EWING: Object to form.

8 THE WITNESS: That's why you're here to ask me
9 questions.

10 13:26 MR. JERISAT:

11 Q. I'm asking.

12 A. That's why I'm taking this deposition, because
13 things were not clear for you. That's why I'm here to
14 answer questions.

15 13:26 Q. No, I'm not taking this deposition because
16 things were not clear to me. We're taking this
17 deposition because we're asking about your own
18 affidavit.

19 A. Sure.

20 13:26 Q. You testified today that all your affidavit
21 statements are true.

22 A. Correct.

23 Q. Okay.

24 And you also testified that you did not make any
25 13:26 false statement under oath.

1 13:26 A. No, no.

2 Q. Okay. All right.

3 And so regardless of what you said here today and
4 what your counsel said or you said, all right, the

5 13:26 statement is clear, your statement here -- your
6 affidavit, every statement you made is true?

7 A. It's true based on my knowledge.

8 Q. Okay.

9 And as you sit here, you have no evidence to
10 13:26 contradict that or to falsify any of these statements
11 made here; correct?

12 MS. EWING: Object to form to the extent you're
13 asking him to make a legal conclusion about evidence.

14 THE WITNESS: I can't make a legal conclusion.

15 13:27 MR. JERISAT:

16 Q. I'm asking you, as you sit here, you have no
17 evidence that any of this statement you made is false?

18 MS. EWING: Same objection about evidence.

19 THE WITNESS: No.

20 13:27 MR. JERISAT:

21 Q. Right, every statement you made is correct?

22 A. Right.

23 Q. And you're making this under oath?

24 A. Correct.

25 13:27 Q. And you did not make a false statement under

1 13:27 oath?

2 A. No.

3 Q. Okay.

4 A. And I want to add one thing. Every word that

5 13:27 is on the affidavit is based on my understanding at this
6 point, and I don't have any evidence to think the
7 opposite.

8 Q. Okay.

9 A. There was one question that you asked me, but I
10 13:27 haven't answered, and you said you were going to get
11 back to me.

12 Q. Give me a second here.

13 A. Okay.

14 It was, actually, two questions. There was one
15 13:27 that was open question about what do I know about the --
16 I have to put this statement.

17 Q. No, you don't have to. There's no question.
18 So, please, please, please.

19 A. I thought there was a question before we went
20 13:28 to the break that --

21 Q. There was no question.

22 A. -- about "What do you know about that
23 project?"

24 Q. I'm sorry. There is no question present right
25 13:28 now.

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1 13:28 A. So you're withdrawing the question?

2 Q. I'm saying there's no question right now.

3 A. So you withdraw it? I need --

4 MS. EWING: Hold on.

5 13:28 Let me add something here to clear one thing up.

6 THE WITNESS: Should I take notes that I need to
7 answer it?

8 MR. JERISAT: There's no question right now, so
9 please --

10 13:28 MS. EWING: I need to make one statement just to
11 clear this one issue up, and it can even be off the
12 record.

13 Whenever we got back after that break, we made that
14 statement for the record saying that the line of
15 13:28 questioning had changed.

16 THE WITNESS: Okay.

17 I just want to make sure that I'm not left with not
18 answering.

19 MS. EWING: That was for the one before the
20 13:28 break.

21 THE WITNESS: All right.

22 What about the one after the break?

23 MS. EWING: That one.

24 MR. JERISAT: Same thing.

25 13:28 THE WITNESS: It's open.

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1 13:28 MR. JERISAT: There's no question pending.
2 MS. EWING: We never went back to --
3 THE WITNESS: Okay.
4 There's no question pending okay. Let me strike
5 13:29 through that.
6 MR. JERISAT:
7 Q. All right. I have a question.
8 When you made this declaration in August --
9 A. Uh-huh.
10 13:29 Q. -- and up until now --
11 A. Uh-huh.
12 Q. -- is it fair for the Court and everyone to
13 rely on it?
14 A. Based on the documents that I have.
15 13:29 Q. No, no.
16 Is it fair or not, yes or no?
17 MS. EWING: Object to form.
18 MR. JERISAT:
19 Q. Yes or no? That's it, yes or no.
20 13:29 A. Yes.
21 MR. JERISAT: Okay.
22 I'm done with this witness.
23 MS. EWING: Okay.
24 THE REPORTER: Off the record.
25 13:29 MR. JERISAT: Yeah.

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(The proceedings concluded at 1:29 p.m.)

(Whereupon the document referred to is marked by
the reporter as Defense Exhibit 1 for identification.)

I declare under penalty of perjury under the laws
of the State of California that the foregoing is true
and correct.

Executed at _____, California,
on _____.

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1 I, Diane M. Lytle, CSR 8606, do hereby declare:

2 That, prior to being examined, the witness named in
3 the foregoing deposition was by me duly sworn pursuant
4 to Section 30(f)(1) of the Federal Rules of Civil
Procedure and the deposition is a true record of the
testimony given by the witness.

5 That said deposition was taken down by me in
6 shorthand at the time and place therein named and
thereafter reduced to text under my direction.

7 _____ That the witness was requested to review the
8 transcript and make any changes to the
9 transcript as a result of that review
pursuant to Section 30(e) of the Federal
Rules of Civil Procedure.

10 _____ No changes have been provided by the witness
11 during the period allowed.

12 _____ The changes made by the witness are appended
to the transcript.

13 _____ No request was made that the transcript be
14 reviewed pursuant to Section 30(e) of the
Federal Rules of Civil Procedure.

15 I further declare that I have no interest in the
16 event of the action.

17 I declare under penalty of perjury under the laws
18 of the United States of America that the foregoing is
true and correct.

19 WITNESS my hand this _____ day of

20 _____, _____.

21 _____
22 Diane M. Lytle, CSR 8606

23

24

25

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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TAMER HOSNY,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	FILE NO. 1:13-CV-4103
)	
ALIAUNE THIAM, P/K/A "AKON,")	
and TARIK FREITEKH,)	
)	
Defendants.)	

DECLARATION OF AHMED BADAWY PURSUANT TO 28 U.S.C. § 1746

1.

I, Ahmed Badawy, am over the age of 21, suffering from no known disabilities and am otherwise competent to testify. I have personal knowledge of the facts stated herein, and all facts set forth in this Declaration are true.

2.

At all times relevant hereto, I am and have been a financial manager for Plaintiff Tamer Hosny. I am also the Executive Producer of the song "*Arabian Knight*" which is the subject of this case. In my capacity with these roles, I have had personal involvement in the production of *Arabian Knight*, including, but not

EXHIBIT	<u>1</u>
REPORTER	<u>D. Lytle</u>
DEPONENT	<u>A. Badawy</u>
DATE	<u>5-22-14</u>

limited to, participation in the negotiations resulting in the Side Artists Agreement, the drafting, review, and execution of the Side Artists Agreement, and Tamer Hosny's payment of \$300,000.00 in connection with the Side Artists Agreement and related financial transactions. I also had personal involvement in the production of an earlier musical collaboration between Tamer Hosny and Aliaune Thiam ("Akon") for the song "*Welcome to the Life*" which also involved Tarik Freitekh.

3.

In or around January 2013 until at least May 2013, Tamer Hosny spent several months in the United States in connection with a new music album he has been developing named "One World."

4.

In early 2013, Tamer Hosny, Tarik Freitekh, and Akon met in Atlanta, Georgia to work on the sound recording and filming of the music video for *Welcome to the Life* by Tamer Hosny featuring Akon. Tarik Freitekh was involved in the production of the music video.

5.

While in Georgia working on the *Welcome to the Life* project, Tamer Hosny, Tarik Freitekh, and Akon spent time together at several locations in the Atlanta area, including Akon's house, a recording studio, Soul Asylum Studios Dance Studio located at 1676 Defoor Circle in Atlanta (where a choreographer worked on choreography for the music video), Tuk Tuk Thai restaurant, and on location filming the music video at an old warehouse structure. I have seen an announcement video of Akon and Tarik Freitekh for the *Welcome to the Life* project, and a behind the scenes video for the shooting of the *Welcome to the Life* music video depicts these various locations and the presence of Tamer Hosny, Tarik Freitekh, and Akon at each location. The videos were published on Tamer Hosny's official Youtube Channel on December 30, 2012 and March 31, 2013 respectively and can be viewed at <https://www.youtube.com/watch?v=j1UYmaNSBCg>. I was present in Georgia during filming of the music video for *Welcome to the Life*.

6.

It was while they were working in Georgia on the *Welcome to the Life* project that Akon and Tarik Freitekh actively solicited Tamer Hosny and began

negotiating a second musical collaboration between Tamer Hosny and Akon which later became known as *Arabian Knight*, specifically on January 22, 2013 at Tuk Tuk restaurant in Atlanta, Georgia and several locations in Atlanta, Georgia thereafter. I was present during the start of these negotiations in Georgia. Tarik Freitekh acted as an intermediary between Tamer Hosny and Akon and led and facilitated the negotiations. The initial negotiations and discussions regarding next steps for this second collaboration occurred in Georgia. From that point forward, it was a matter of working out the details, financing and memorializing the arrangement with a written contract.

7.

The initial plan for *Arabian Knight* was to feature Akon and Chris Brown on the sound recording and music video as featured artists with Tamer Hosny. As part of the arrangement, Akon was going to be responsible for securing Chris Brown's participation and appearance. When Tarik Freitekh informed me that Akon had learned that Sony would not grant approval for Chris Brown to participate, the plans changed to feature Armando Perez ("Pitbull") as the second featured artist on *Arabian Knight*.

8.

I was personally involved in the drafting of the written agreement for the *Arabian Knight* project. Tarik Freitekh was also in charge in the negotiations and was involved in drafting of the written terms. It was Tarik Freitekh who requested that the agreement specify Georgia law apply to the interpretation of the agreement because of Akon's presence in Georgia. Tarik Freitekh proposed a form document that indicated Georgia law would govern the agreement. I decided not to use his proposed document, and ultimately I drafted the Side Artists Agreement at issue this action. As requested by Tarik Freitekh, the Side Artists Agreement included a Georgia choice of law provision. It was also drafted to include a provision stating that the parties would go to court in Atlanta, Georgia in the event there were any disputes about the agreement.

9.

Before we completed the finalization of the written agreement, Tamer Hosny began making good faith payments towards a down payment as part of the agreed arrangement for *Arabian Knight*. Tamer Hosny agreed to transfer a total amount of \$300,000.00 into Akon's bank account, including a \$150,000.00 down payment. Tarik Freitekh, continuing to act as the intermediary between Tamer Hosny and

Akon, was directly involved in the transfer of payments between Tamer Hosny and Akon.

10.

On February 8, 2013, Tarik Freitekh caused \$25,000.00 of the \$150,000.00 down payment to be deposited into Akon's Georgia bank account maintained with SunTrust Bank (Account No. XXXXXXXXXX8766). On February 9, 2013, Tarik Freitekh caused another \$25,000.00 to be deposited into the same Georgia bank account belonging to Akon. Tarik Freitekh was reimbursed for each of these deposits by Tamer Hosny. A true and correct copy of an April 9, 2013 email from Tarik Freitekh to me attaching the February 8, 2013 and February 9, 2013 deposit receipts is attached hereto as Exhibit A. At this point, Tamer Hosny had made a total payment of \$50,000.00 towards the \$150,000.00 down payment.

11.

On February 11, 2013, I made a wire transfer of \$50,000.00 directly into Akon's Georgia bank account (Account No. XXXXXXXXXX8766) on behalf of Tamer Hosny, using the Bank of America account for Hossam Hosny (Tamer Hosny's brother), for which I was designated as an authorized user and based on Tamer Hosny's instructions. A true and correct copy of the transaction details for

this wire transfer is attached hereto as Exhibit B. At this point, Tamer Hosny had made a total payment of \$100,000.00 towards the \$150,000.00 down payment.

12.

On February 13, 2013, I made a wire transfer of \$50,000.00 directly into Akon's Georgia bank account (Account No. XXXXXXXXXX8766) on behalf of Tamer Hosny, using Hossam Hosny's Bank of America account, based on Tamer Hosny's instructions. This completed payment of Tamer Hosny's initial \$150,000.00 down payment. A true and correct copy of the transaction details for this wire transfer is attached hereto as Exhibit C.

13.

On March 10, 2013, I emailed the proposed Side Artists Agreement to Tarik Freitekh as a word document for review and execution by Akon. A true and correct copy of the March 10, 2013 email (minus the attachment) is attached hereto as Exhibit D. After sending the email, I talked to Tarik Freitekh over the phone, and he told me that he would be returning a signed agreement from Akon.

14.

The following day, on March 11, 2013 Tarik Freitekh forwarded me an email from Akon to him attaching a PDF copy of the Side Artists Agreement

executed by Akon. A true and correct copy of the March 11, 2013 email is attached hereto as Exhibit E. Also included as part of Exhibit E is a copy of the executed Side Artists Agreement that was attached to the March 11, 2013 email from Tarik Freitekh.

15.

Tarik convinced me that the executed Side Artists Agreement forwarded from Akon's email address was indeed executed by Akon. I had no reason to question its authenticity or doubt that we had a signed written agreement. All parties involved, including Tamer Hosny, Akon, and Tarik Freitekh continued with plans for the production of the music video which was scheduled for May 13, 2013.

16.

On March 29, 2013, I made a wire transfer of \$45,000.00 towards the final balance owed directly into Akon's Georgia bank account (Account No. XXXXXXXXXX8766) on behalf of Tamer Hosny, using Hossam Hosny's Bank of America account and based on Tamer Hosny's instructions. A true and correct copy of the transaction details for this wire transfer is attached hereto as Exhibit F.

At this point, Tamer Hosny had paid \$45,000.00 towards the final \$150,000 balance.

17.

On April 1, 2013, Tarik Freitekh caused \$100,000.00 in cash to be deposited into Akon's Georgia bank account (Account No. XXXXXXXXXXX8766). Tarik Freitekh received this amount in cash from a representative of Tamer Hosny for purposes of this payment. A true and correct copy of an April 9, 2013 email from Tarik Freitekh to me attaching the April 1, 2013 deposit receipt is attached hereto as Exhibit G. At this point, Tamer Hosny had made a total payment of \$145,000.00 towards the final \$150,000.00 balance.

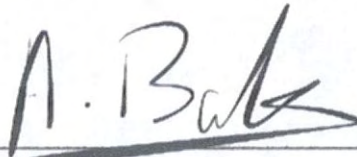
18.

On April 4, 2013, Tarik Freitekh caused \$5,000.00 to be wired directly into Akon's Georgia bank account (Account No. XXXXXXXXXXX8766). A true and correct copy of an April 9, 2013 email from Tarik Freitekh to me attaching the April 4, 2013 wire transaction details is attached hereto as Exhibit H. At this point, Tamer Hosny had completed his payment of the final \$150,000.00 balance.

19.

I am making the Declaration pursuant to 28 U.S.C. § 1746.

Executed this 11th day of August, 2014.

A handwritten signature in black ink, appearing to read 'A. Badawy', written over a horizontal line.

Ahmed Badawy

EXHIBIT A

Fw: scanned receipts

From: **Tarik Freitekh** (toh@usa.com) This sender is in your safe list.

Sent: Tue 4/09/13 2:03 AM

To: AHMED BADAWY (abadawy78@hotmail.com)

2 attachments

scan_00113.jpg (537.2 KB) . scan_00112.jpg (443.1 KB)

----- Original Message -----

From: izzat fritekh

Sent: 04/08/13 05:59 PM

To: Tarik Freitekh

Subject: scanned receipts

Kind Regards,

Tarik

Tarik@tarikfreitekh.com

T:1-704-699-9725

F:1-888-205-8827

Facebook: www.facebook.com/TarikFreitekh



Thank you for banking with SunTrust
For Account information call 800.SunTrust (800.786.8787)

DEPOSIT AMOUNT : \$ 25,000.00
ACCOUNT NUMBER : XXXX-XXXX-8766

BUS DATE : 02/08/2013 10:45AM

BATCH ID: 876532

This is your receipt showing bank, date , time , type of account and amout.
All deposits are credited to your account subject to verification and final payment

101829 (5/07)



Thank you for banking with SunTrust
For Account information call 800.SunTrust (800.786.8787)

DEPOSIT AMOUNT : \$ 25,000.00
ACCOUNT NUMBER : xxxx-xxxxx-8766

BUS DATE : 02/09/2013 09:55 AM

BATCH ID : 675444

829 (5/07)

This is your receipt showing bank, date , time , type of account and amout.
All deposits are credited to your account subject to verification and final payment

EXHIBIT B

Bank of America 

Online Banking

Adv Tiered Interest Chkg - 5638: Account Activity Transaction Details

Posting date: 02/11/2013

Amount: -50,000.00

Type: Withdrawal

Description: WIRE TYPE:WIRE OUT DATE:130211
TIME:1426 ET TRN:2013021100196826
SERVICE REF:007811 BNF:ALIAUNE THIAM
ID:1000136788766 BNF BK:SUNTRUST BANK
ATLANTA ID:061000104 PMT DET:94945912

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EXHIBIT C

Bank of America Online: <http://www.bankofamerica.com/online>



Online Banking

Adv Tiered Interest Chkg - 5638: Account Activity Transaction Details

Posting date: 02/13/2013

Amount: -50,000.00

Type: Withdrawal

Description: WIRE TYPE:WIRE OUT DATE:130213
TIME:1343 ET TRN:20130213070951
SERVICE REF:006740 BNF:ALIAUNE THIAM
ID:1000136788766 BNF BK:SUNTRUST BANK
ATLANTA ID:061000104 PMT DET:95139778
2ND PAYMENT OF 50000

<https://secure.bankofamerica.com/myaccounts/details/details.do?adx=fbaa7c0094...> 07/11/2013

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EXHIBIT D

Case 1:13-cv-04103-WSD Document 33-4 Filed 08/11/14 Page 2 of 2

Outlook Express-04103-WSD Document 9-1 Filed 03/14/14 Page 10 of 11

Side Artists Agreement

From: AHMED BADAWY (abadawy78@hotmail.com)
Sent: Sun 3/10/13 9:57 PM
To: toh@usa.com (toh@usa.com)
Cc: tamerstudio@gmail.com (tamerstudio@gmail.com)
1 attachment
Side Artist Agreement.docx (17.1 KB)

<https://blu174.mail.live.com/mail/PrintMessages.aspx?cpid=63965ca6-89f7-11e2-8b...> 07/11/2013

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EXHIBIT E

Case 1:13-cv-04103-WSD Document 33-5 Filed 08/11/14 Page 2 of 3
Outlook Express: 103-eg-04103-WSD Document 9-1 Filed 03/14/14 Page 11 of 11

FW:

From: Tarek Frettek (tob@usa.com)
Sent: Mon 3/11/13 9:54 PM
To: AHMED BADAWY (abadawy78@hotmail.com)
1 attachment
Side Artist Agreement.pdf (2.6 MB)

----- Original Message -----
From: Allaune Thiam
Sent: 03/11/13 05:37 PM
To: tob@usa.com

ALLAH
MUSLIM ALLAH
Coming soon!!!!!!

Kind Regards,
Tarek
Tarek@tarek-frettek.com
T: 1-704-699-9725
F: 1-888-205-8827
Facebook: www.facebook.com/TarekFrettek

[https://bbl174.mail.live.com/mail/PrintMessages.aspx?cpids=|0c5ab3-\\$ac0-|e2-b2...](https://bbl174.mail.live.com/mail/PrintMessages.aspx?cpids=|0c5ab3-$ac0-|e2-b2...) 07/11/2013

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EXHIBIT F

[illegible]

Adv Tiered Interest Chkg - 5638: Account Activity Transaction Details

Posting date: 03/29/2013

Amount: -45,000.00

Type: Withdrawal

Description: WIRE TYPE:WIRE OUT DATE:130329
TIME:1626 ET TRN:201303290020555
SERVICE REF:010602 BNF:ALLAUNE THIAM
ID:1000136788766 BNF BK:SUNTRUST BANK
ATLANTA ID:061000104 PMT DET:97602314

EXHIBIT G

OutlookCase 1:13-cv-04103-WSD Document 9-1 Filed 03/14/14 Page 9 of 1

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(No Subject)

From: Tarik Fritash (tarik@usa.com) This sender is in your safe list.
Sent: Tue 4/09/13 10:43 AM
To: AHMED BADAWY (abadawy78@hotmail.com)
1 attachment
scan_02.pdf (57.4 KB)

Kind Regards,
Tarik
tarik@tarikfritash.com
T: 1-704-699-8725
F: 1-888-205-8827
Facebook: www.facebook.com/TarikFritash

<https://ohio174.mail.live.com/mail/PrintMessages.aspx?cid=40d1b4d7-a12c-1e2-9c...> 07/11/2013



Thank you for banking with SunTrust
For Account information call 800.SunTrust (800.786.8787)

DEPOSIT AMOUNT: \$ 100,000.00
ACCOUNT NUMBER: XXXX-XXXX-8766

DATE: 04/01/2013 12:55 PM
BRANCH: XXXXX

This is your receipt showing bank, date, time, type of account and amount.
All deposits are credited to your account subject to verification and final payment

4013929 (1-07)



EXHIBIT H

Case 1:13-cv-04103-WSD Document 33-8 Filed 08/11/14 Page 2 of 3
Outbox: Rise1338-04103-WSD Document 9-1 Filed 03/14/14 Page 8 of 14 of 1

(No Subject)

From: Tarik Fretheb (tarik@usa.com) This sender is in your safe list.
Sent: Tue 4/09/13 10:38 AM
To: AHMED BADAWY (abadawy78@hotmail.com)
I attachment
Screen shot 2013-04-09 at 4:00:59 AM.jpg (115.0 KB)

Kind Regards,
Tarik
Tarik@tarikfreheb.com
T:1-704-699-9725
F:1-888-205-6827
Facebook: www.facebook.com/TarikFreheb

☒ 04/04/2013 WIRE TYPE:WIRE OUT DATE:130404 TIME:1038   -5,000.00 243.62
 ET TRN:2013040400147566 SERVICE...

[Edit description](#)

Type: Withdrawal
Description: WIRE TYPE:WIRE OUT DATE:130404 TIME:1038 ET
 TRN:2013040400147566 SERVICE REF:004682 BNF:ALIAUNE
 THIAM ID:1000136788766 BNF BK:SUNTRUST BANK
 ATLANTA ID:061000104 PMT DET:97914790

[Print transaction details](#)